

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 August 14, 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
Janice Bagley
David Castles
Kelvin Darden
Gina DeHoyos
Travis Martin

Absent: Jon Keller

1. CALL TO ORDER

A. Invocation and Pledge of Allegiance

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

2. DUAL CREDIT AND HOUSE BILL 8

- Discussion with KISD Board & Administration
- Dual Credit MOU Ceremonial Signing

Presenter: Dr. Brenda Kays, President, KC/Dr. Andy Baker, Superintendent, KISD

3. PRESENTATIONS

A. Program/Employee/Student Spotlight: *2022-2023 Year in Review*

- Dr. Mike Jenkins –Marketing & Communications//PR & Facilities
- Mr. Terry Hanson – Administrative Services & Auxiliary Services
- Dr. Staci Martin – Student Services & Athletics
- Dr. Tracy Skopek – Instruction
- Dr. Richard Plott – Student Success Data
- Mrs. Merlyn Holmes – Kilgore College Foundation
- Ms. Kara Sharman – Human Resources

B. President's Leadership Academy

Presenter: Dr. Brenda Kays

4. PUBLIC COMMENTS

- Don Carroll voiced concern about KC athletics and the notification of Dr. Marshall Watson, Hall of Fame inductee.
- Brian McFarlan voiced concern about school leadership and KC athletic's program.
- Dawn Gratton voiced concern about Kilgore College employee turnover and salaries, lack of donor care, football game at Longview Lobo stadium, no voice in KC matters, and asked Board of Trustees and KC Administration to open a dialogue with citizens of Kilgore.

5. CONSENT AGENDA

Presenter: Mr. Lon Ford

- A. To consider approving the minutes from the following meetings:
- Board Meeting: June 12, 2023
 - Budget Workshop: July 24, 2023
- 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

Josh Edmonson made the motion to accept the Consent Agenda. Janice Bagley seconded the motion. The motion passed unanimously.

6. BOARD COMMITTEE REPORTS & ACTION ITEMS

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

1. ACTION ITEM: To consider approval for and to set the proposed Property Tax Rate for Tax Year 2023 (FY24). *Appendix B*

Presenter: Mr. Terry Hanson

Jon Rowe moved that we set the proposed tax rate for tax year 2023 at 17.5 cents, which is below the Voter Approval Tax Rate. This motion came from committee and did not require a second. The motion passed unanimously.

2. ACTION ITEM: To consider the adoption of the Operating and Capital Budget for Fiscal Year 2024 and establish a new dual credit rate to participate in the HB8 FAST program. *Appendix C*

Presenter: Mr. Terry Hanson

Jon Rowe moved for the adoption of the Operating and Capital Budget for Fiscal Year 2024 that established a new dual credit rate to participate in the HB8 FAST program. This motion came from committee and did not require a second. The motion passed unanimously.

3. ACTION ITEM: To consider approval of Resolution R-2023-10 authorizing the issuance of Kilgore Junior College District Maintenance Tax Note, Series 2023. *Appendix D*
Presenter: Mr. Terry Hanson

Jon Rowe moved for the approval of Resolution R-2023-10 authorizing the issuance of Kilgore Junior College District Maintenance Tax Note, Series 2023. This recommendation did not come from committee and therefore required a second. Gina DeHoyos seconded the motion. The motion passed unanimously.

4. ACTION ITEM: To consider approval of Gans & Smith Insurance Agency, Inc. as Commercial Insurance Provider for Kilgore College. *Appendix E*
Presenter: Mr. Terry Hanson

Jon Rowe moved for the approval of Gans & Smith Insurance Agency, Inc. as commercial insurance provider for Kilgore College. This recommendation came from committee and did not require a second. The motion passed unanimously.

5. INFORMATION ITEM: Financial Update
Presenter: Mr. Terry Hanson

- a. May FY23 Financial Snapshot and Capital Projections - *Appendix F*
- b. PFIA 3rd Quarter Investment Report - *Appendix G*

B. Policy & Personnel Committee - Mr. Josh Edmonson, Chair

1. ACTION ITEM: To consider approval of the following TASB Policies:
Presenter: Mr. Josh Edmonson

- a. BBB (LEGAL, LOCAL) - Board Members – Elections - *Appendix H*
- b. BDB (LEGAL, LOCAL, EXHIBITS) - Board Meetings - Public Participation
Appendix I
- c. CHA (LEGAL, LOCAL) - Site Management – Security - *Appendix J*
- d. DBD (LEGAL, LOCAL, ADMINISTRATIVE RULE) - Employee Requirements & Restrictions - Conflict of Interest - *Appendix K*
- e. DEA (LEGAL, LOCAL, ADMINISTRATIVE RULE) - Compensation & Benefits - Compensation Plan - *Appendix L*
- f. DEAA (LOCAL) - Compensation Plan - Incentives & Stipends - *Appendix M*
- g. DEAB (LEGAL, LOCAL, ADMINISTRATIVE RULES) - Compensation Plan - Wage Hour Laws - *Appendix N*
- h. DH (LEGAL, LOCAL) - Employee Standards of Conduct - *Appendix O*
- i. DHB (LEGAL, LOCAL) - Standards of Conduct - Child Abuse and Neglect Reporting - *Appendix P*
- j. DI (LEGAL, LOCAL, EXHIBIT) - Employee Welfare - *Appendix Q*
- k. DMC (LOCAL) - Termination of Employment - Reduction in Force - *Appendix R*
- l. DMD (LOCAL) – Resignation - *Appendix S*
- m. ECC (LEGAL, LOCAL) - Instructional Arrangements - Course Load & Schedules - *Appendix T*
- n. EFB (LEGAL, LOCAL) - Curriculum Design - Degrees & Certificates - *Appendix U*

- o. EGA (LEGAL, LOCAL) - Academic Achievement - Grading & Credit - *Appendix V*
- p. EGAA (LOCAL) - Grading & Credit - Credit by Examination - *Appendix W*
- q. EGAB (LOCAL) - Grading & Credit – Examinations - *Appendix X*
- r. EGB (LOCAL) - Academic Achievement - Class Rank & Honors - *Appendix Y*
- s. FEA (LEGAL, LOCAL, ADMINISTRATIVE RULE) - Financial Aid and Scholarships - *Appendix Z*
- t. FLA (LEGAL, LOCAL) - Student Rights and Responsibilities - Student Expression and Use of College Facilities - *Appendix AA*
- u. GD (LEGAL, LOCAL) - Community Expression & Use of College Facilities - *Appendix BB*

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

2. INFORMATION ITEM: New TASB Policies for Information Only

Presenter: Mr. Josh Edmonson

- a. BBBA (LEGAL) - Elections - Conducting an Election - *Appendix CC*
- b. BBBB (LEGAL, EXHIBIT) - Elections - Post-Election Procedures - *Appendix DD*
- c. CAID (LEGAL) - Ad Valorem Taxes - Appraisal District - *Appendix EE*
- d. CAN (LEGAL) - Appropriations & Revenue Sources - Rentals and Service Charges - *Appendix FF*
- e. CAO (LEGAL) - Appropriations & Revenue Sources - Public Facilities Corporations - *Appendix GG*
- f. CDB (LEGAL) - Accounting – Inventories - *Appendix HH*
- g. CFE (LEGAL) - Purchasing and Acquisition - Vendor Relations - *Appendix II*
- h. CFF (LEGAL) - Purchasing and Acquisition - Payment Procedures - *Appendix JJ*
- i. CFG (LEGAL) - Purchasing and Acquisition - Real Property and Improvements - *Appendix KK*
- j. CFH (LEGAL) - Purchasing and Acquisition - Financing Personal Property Purchases - *Appendix LL*
- k. CK (LEGAL) - Insurance and Annuities Management - *Appendix MM*
- l. CKB (LEGAL) - Insurance Annuities - Liability Insurance - *Appendix NN*
- m. CKC (LEGAL) - Insurance Annuities - Deferred Compensation and Annuities - *Appendix OO*
- n. CQ (LEGAL) - College District Auxiliary Enterprises - *Appendix PP*
- o. EFBA (LEGAL) - Degrees & Certificates - Associate Degrees & Certificates – *Appendix QQ*
- p. EFBB (LEGAL) - Degrees & Certificates - Baccalaureate Degrees - *Appendix RR*
- q. FFAC (LEGAL) - Wellness & Health Services - Communicable Diseases - *Appendix SS*
- r. GA (LEGAL) - Access to Programs, Services, and Activities - *Appendix TT*
- s. GCC (LEGAL) - Public Information Program - Annual Security Report - *Appendix UU*
- t. GGB (LEGAL) - Relations with Governmental Agencies & Authorities - Interlocal Cooperation Contracts - *Appendix VV*
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7. BOARD PRESIDENT'S REPORT

Presenter: Mr. Lon Ford

A. UPCOMING BOARD DATES:

Upcoming Events:

Wednesday, August 16 10:00AM Stark Hall Renovation Reveal & Ribbon Cutting

Monday, September 11 5:45PM Property Tax Hearing

Monday, September 11 6:30PM Regular Board Meeting

Presenter: Mr. Lon Ford

8. EXECUTIVE SESSION

The Board of Trustees did not go into Executive Session.

9. ADJOURNMENT

The meeting was adjourned by Mr. Lon Ford at 11:36 PM.

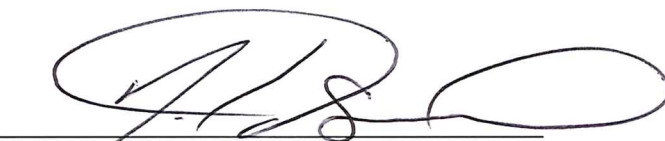
If during the course of the meeting covered by this notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any item included in this notice, then such closed or executive meeting or session as authorized by Section 551.001 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 E	Recommendation for approval of Gns & Smith Insurance Agency as provider for Kilgore College
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**Kilgore Junior College District
Personnel Agenda
August 14, 2023**

1. Recommendation to accept employee resignations as follows:

- a. Mr. Jody Bush, Instructor- Industrial Maintenance, effective 8/31/2023, after 9 years of service. *(taking time to travel)*
- b. Ms. Patricia Robinson, Head Softball Coach, Instructor – Kinesiology, effective 5/17/2023, after 6 years and 10 months of service. *(resigned)*
- c. Mr. Cody McCoy, Assistant Basketball Coach, effective 5/31/2023, after 2 years part-time and 2 years full-time. *(Accepted position at a D1 school)*
- d. Ms. Nicole James, Advisor – Health Sciences, effective 6/16/2023, after 1 year and 9 months of service. *(no reason given)*
- e. Ms. Ashton Smith, Advisor – Health Sciences, effective 6/15/2023, after 10 days of service. *(no reason given)*
- f. Mr. Ethan Herring, Manager – Dodson Auditorium, effective 7/3/2023, after 10 years and 5 months of full-time service. *(going to work for family business)*
- g. Mr. C. Andy Taylor, e-Sports Coach, effective 7/7/2023, after 1 year and 10 months of full-time service. *(accepted another position for more income)*
- h. Mr. Javier Orta, Recruiter – Admissions Counselor, effective 7/21/2023, after 11 months of full-time service. *(accepted another position)*
- i. Mr. Cameron Neal, Lab Manager - Biology, effective 7/26/2023, after 5 years and 2 months of service. *(accepted teaching position elsewhere)*
- j. Mr. Dalton Heinsohn, Recruiter - Music, effective 7/28/2023, after 9 months of service. *(accepted teaching/coaching position Hallsville)*
- k. Ms. Kristi Newland, Instructor – Nursing, effective 8/11/2023, after 1 year and 3 months of service. *(no reason offered)*
- l. Mr. Brian Hoberecht, Men’s Basketball Coach & Kinesiology Instructor, effective 8/31/2023, after 15 years and 3 months of service. *(seeking other opportunities)*
- m. Mr. Jeff Williams, Director - Facilities, effective 7/31/2023, after 6 years and 10 months of service. *(career advancement; accepted outside opportunity)*
- n. Mr. Tony Means, Police Lieutenant, effective 8/2/2023, after 18 years and 7 months of service. *(seeking other opportunities)*
- o. Ms. Elizabeth Rodriguez, Administrative Assistant III – Adult Education and Literacy, effective 7/28/2023, after 12 years and 10 months of service. *(spend more time with family)*
- p. Ms. Shannon Eschenfelder, Administrative Assistant I – Health Sciences – Workforce Development, effective 8/10/2023, after 10 months of service. *(no reason given)*

Other – Contract Non-Renewals 2023/2024:

- a. Ms. Lauren Clark, Director of Choral & Vocal Training, effective August 31, 2023, after 9 months of service. *(Interim instructor and contract non-renewed)*
- b. Mr. Kevin Powers, Lab Manager - Nursing, effective August 31, 2023, after 14 years and 7 months of service. *(Position eliminated with the new nursing curriculum)*

2. Recommendation to accept employee retirement as follows:

None

3. Recommendation to change employment as follows:

NAME	PREVIOUS POSITION	NEW POSITION	NEW SALARY/RATE OF PAY	EFFECTIVE DATE
Ms. Kelly Connor	College/Career Readiness Coach – High School Based	Advisor - Public Services & Industrial Technology	12 month \$37,099	6/1/2023
Ms. Jennifer Quine	Instructor – Substance Abuse Counseling	Coordinator – Substance Abuse Counseling	9 month Coord Stip added \$4,000.00	8/1/2023
Ms. Yvonne Bethune	Admin Asst I - Registrar	Specialist – Dual Credit Registrar	12 month \$36,725	6/16/2023
Ms. Schlunda Reese	Admin Asst I – Arts & Science	Admin Asst II – Arts & Science	12 month \$31,780	7/1/2023
Mr. D’Wayne Shaw	Divisional Dean - PSIT	Executive Dean – Professional and Career Education	12 month \$106,000	7/1/2023
Ms. Selena Rutherford	Counselor – Mental Health	Coordinator - Counseling	12 month \$58,491	5/16/2023
Ms. Stephanie Arriola	Coordinator – Advising & Virtual Services	Director Advising & Virtual Services	12 month \$55,429	7/17/2023
Ms. Ebony Allison-Dennis	Director – Instructional Student Support	Dean Instructional Student Support Services and Retention	12 month \$74,024	7/17/2023
Ms. Amanda Jackson	Admin Asst II – KC Longview	Manager – Longview Operations	12 month \$37,663	7/17/2023
Ms. Jordan Collard	Admissions Counselor	Admissions Counselor II	12 month \$38,610	8/1/2023
Ms. Brigida Romano	Counselor/Advisor Workforce Admissions	Admissions Counselor – Workforce Education	12 month \$39,881 <i>(no change)</i>	8/1/2023
Mr. Matthew Simpson	Artistic Associate – TX Shakespeare Festival	Instructor – Theatre/TSF	12 month \$64,000	9/1/2023

4. Recommendation of employment as follows:

NAME	POSITION	LOCATION	SALARY/BASE RATE OF PAY	HIRE DATE
Ms. Gayle Laroux	Admin Asst I - Health Sciences/Rad Tech	Rad Tech	12 month \$30,160 annually	5/22/2023
Ms. Holly Foster	Admin Asst I – KC Longview	KC Longview	12 month \$30,160 annually	6/5/2023
Ms. Ashton Smith	Advisor – Health Sciences	Health Sciences	12 month \$37,098 annually	6/5/2023
Ms. Pamela Miller	Admin Asst I – Testing Center Longview	KC Longview	12 month \$31,160 annually	7/1/2023
Ms. Carrie Snyder	Admin Asst I – Testing Center Kilgore	Testing Center	12 month \$30,160 annually	7/10/2023
Ms. Andrea Gauthier	Advisor – Health Sciences	Health Sciences	12 month \$35,916 annually	7/10/2023
Mr. Jorge Cisneros	Programmer – IT	Information Technology	12 month \$52,119 annually	7/10/2023
Ms. Shelby Ramirez	Advisor – Health Sciences	Health Sciences	12 month \$35,916 annually	6/26/2023
Ms. Amber Williams	Women’s Softball Coach & Kins Instructor	Athletics/Health Sciences	12 month \$58,333 annually	6/19/2023
Ms. Savannah McDonald	Advisor – Educational Opportunity Center TRIO	TRIO	12 month \$35,916 annually	7/17/2023
Ms. Maggie Thompson	Learning Specialist – TRIO	TRIO	12 month \$38,610 annually	7/17/2023
Ms. Sara Smith	Counselor – Mental Health	Counseling	12 month \$47,965 annually	7/24/2023
Ms. Julie Leming	Instructor – Nursing	Nursing	10 month \$67,733 annually	8/1/2023
Mr. John Payne	Instructor – History	Arts & Sciences	9 month \$49,850 annually	9/1/2023
Mr. David Jamison	Instructor – English	Arts & Sciences	9 month \$45,900 annually	9/1/2023
Ms. Lacy Singer	Instructor – Psychology	Arts & Sciences	9 month \$43,500 annually	9/1/2023

Ms. Danielle Johnson	Instructor – Biology	Arts & Sciences	9 month \$43,500 annually	9/1/2023
Mr. Robert Boyd	Head Men’s Basketball Coach – Instructor	Athletics/Arts & Sciences	12 month \$65,733.33 annually	8/7/2023
Mr. Peter Cunningham	Director – Choral	Arts & Sciences	10 month \$48,778 annually	8/7/2023
Ms. Jordan Wood	Alumni Liaison	KC Foundation	12 month \$35,916 annually	8/1/2023
Ms. Amber Smith	Admin Asst I – Foundation	KC Foundation	12 month \$30,160 annually	8/1/2023
Mr. Jonathan Santiago	Instructor – Radiologic Sciences	Health Sciences	9 month \$46,342 annually	9/1/2023
Mr. Alejandro Castillo	Instructor – Criminal Justice	PSIT	9 month \$51,000 annually	9/1/2023

Final Publish Date 8/1/2023

Certified Property Values and Tax Impacts

As of: 8/1/23

Property Appraised Values

County	2019	2020	2021	2022	2023	Change	
	Certified	Certified	Certified	Certified	Certified	Amount	%
Gregg	2,638,644,133	2,567,652,923	2,446,353,869	2,761,349,016	3,264,193,058	502,844,042	20.55%
Rusk	1,045,520,013	1,019,890,455	1,031,589,321	1,266,251,657	1,490,208,204	223,956,547	21.71%
Upshur	169,846,019	199,618,954	188,863,239	226,519,546	300,050,570	73,531,024	38.93%
Smith	137,981,860	140,900,964	147,501,265	169,487,632	199,550,076	30,062,444	20.38%
Total	3,991,992,025	3,928,063,296	3,814,307,694	4,423,607,851	5,254,001,908	830,394,057	21.14%

<i>Property Tax Rates</i>	Total	M&O	I&S
Existing	0.17500	0.15127	0.02373
Proposed Rate	0.17500	0.14003	0.03497
No New Revenue	0.14948	0.11451	0.03497
Voter Approved	0.17501	0.14004	0.03497

Tax Levy

County	Current	Proposed Rate	Change
Gregg	4,832,361	5,712,338	879,977
Rusk	2,215,940	2,607,864	391,924
Upshur	396,409	525,088	128,679
Smith	296,603	349,213	52,610
Total	7,741,313	9,194,503	1,453,190

Percent Change from Current **18.77%**



Annual Operating & Capital Budget for Fiscal Year 2024

Presented to the Kilgore College Board of Trustees

August 14, 2023



Kilgore College

Recommended Budget for Fiscal Year 2024

September 1, 2023 to August 31, 2024

Revenues and Expenses from Operations

	FY 2021 Budget	FY 2022 Budget	FY 2023 Budget	FY 2024 Recommended	Increase/Decrease
Credit Tuition					
In-District Tuition	\$ 1,314,135	\$ 1,452,465	\$ 1,400,000	\$ 1,215,000	\$ (185,000)
Out of District Tuition	\$ 3,066,315	\$ 3,389,085	\$ 3,210,000	\$ 3,010,000	\$ (200,000)
Out of State Tuition (Texas Non-Resident)	\$ 342,475	\$ 378,525	\$ 385,000	\$ 365,000	\$ (20,000)
Early Admission/Dual Credit	\$ 753,882	\$ 833,238	\$ 2,005,500	\$ 773,700	\$ (1,231,800)
Total Credit Tuition:	\$ 5,476,807	\$ 6,053,313	\$ 7,000,500	\$ 5,363,700	\$ (1,636,800)
Course and Special Fees					
General Education Fee	\$ 3,199,125	\$ 3,535,875	\$ 3,340,000	\$ 3,340,000	\$ -
Out of District Fee	\$ 4,833,220	\$ 5,341,980	\$ 5,105,000	\$ 4,650,000	\$ (455,000)
Course Fees	\$ 1,564,110	\$ 2,205,721	\$ 1,200,000	\$ 2,320,000	\$ 1,120,000
All Other Fees	\$ 681,822	\$ 1,043,237	\$ 2,426,740	\$ 1,772,420	\$ (654,320)
Total Course and Special Fees:	\$ 10,278,277	\$ 12,126,814	\$ 12,071,740	\$ 12,082,420	\$ 10,680
State Appropriations					
State Appropriations - Formula Funding	\$ 9,242,271	\$ 9,654,903	\$ 9,654,903	\$ 13,778,730	\$ 4,123,827
State Appropriations - Dual Credit FAST Funding	\$ -	\$ -	\$ -	\$ 376,300	\$ 376,300
State Appropriations - Teacher Retirement System TRS/ORP	\$ -	\$ -	\$ 90,000	\$ 90,000	\$ 0
Total State Appropriations:	\$ 9,242,271	\$ 9,654,903	\$ 9,744,903	\$ 14,245,030	\$ 4,500,127
District Ad-Valorem Property Taxes					
Property Tax Revenues - M&O	\$ 6,702,258	\$ 6,508,163	\$ 6,498,059	\$ 7,320,392	\$ 822,333
Property Tax Revenues - I&S			\$ 1,049,722	\$ 1,837,324	\$ 787,602
Delinquent Tax Collections	\$ 150,000	\$ 150,000	\$ 155,000	\$ 100,000	\$ (55,000)
Total Ad-Valorem Tax Collections:	\$ 6,852,258	\$ 6,658,163	\$ 7,702,781	\$ 9,257,716	\$ 1,554,935
Other Revenue from Operations & Reserves					
Indirect Cost Recovery (from grants/contracts)	\$ 33,000	\$ 33,000	\$ 42,500	\$ 50,000	\$ 7,500
Interest/Investment Income	\$ 225,000	\$ 225,000	\$ 225,000	\$ 1,058,599	\$ 833,599
Continuing Education	\$ 1,400,775	\$ 1,460,775	\$ 2,500,000	\$ 2,526,400	\$ 26,400
Other Revenue from Operations	\$ 414,405	\$ 408,655	\$ 259,050	\$ 233,000	\$ (26,050)
KC Plant Fund Reserves for Capital Improvements	\$ 1,428,603	\$ 425,000	\$ 4,512,000	\$ 500,000	\$ (4,012,000)

	FY 2021 Budget	FY 2022 Budget	FY 2023 Budget	FY 2024 Recommended	Increase/Decrease
Total Other Revenue from Operations & Reserves:	\$ 3,501,783	\$ 2,552,430	\$ 7,538,550	\$ 4,367,999	\$ (3,170,551)
Total Operating Revenues & Reserves	\$ 35,351,396	\$ 37,045,622	\$ 44,058,474	\$ 45,316,865	\$ 1,258,391
Operating Expenses					
Salaries & Wages	\$ 18,029,982	\$ 17,938,569	\$ 19,888,551	\$ 20,895,206	\$ 1,006,655
Employee Benefits	\$ 2,410,570	\$ 2,244,976	\$ 2,792,612	\$ 2,585,354	\$ (207,258)
Other Operating Expenses	\$ 14,752,480	\$ 14,736,723	\$ 13,242,817	\$ 15,785,192	\$ 2,542,375
Debt Service - SECO Loans & Maintenance Notes		\$ -	\$ 1,049,722	\$ 1,837,324	\$ 787,602
Capital Budget		\$ 1,669,161	\$ 5,032,788	\$ 3,299,299	\$ (1,733,489)
Employee Raises		\$ 449,030	\$ 1,800,000	\$ 665,000	\$ (1,135,000)
Total Operating & Capital Expenses	\$ 35,193,032	\$ 37,038,459	\$ 43,806,490	\$ 45,067,375	\$ 1,260,885
Auxiliary Revenues Over/(Under) Expenses	\$ (158,364)	\$ (7,163)	\$ (251,984)	\$ (249,490)	
Net Impact on Unrestricted Funds (Operating & Auxiliary)	\$ -	\$ 0	\$ -	\$ 0	



Kilgore College
Recommended Budget for Fiscal Year 2024
September 1, 2023 to August 31, 2024
Revenues and Expenses from Auxiliary Enterprises

	FY 2021 Budget	FY 2022 Budget	FY 2023 Budget	FY 2024 Recommended	Increase/Decrease
Student Housing Revenues	\$ 2,304,128	\$ 2,408,156	\$ 2,440,156	\$ 2,642,306	\$ 202,150
Student Housing Expenses	\$ 1,525,041	\$ 1,592,524	\$ 1,685,805	\$ 1,755,573	\$ 69,768
Net Student Housing Activity	\$ 779,087	\$ 815,632	\$ 754,351	\$ 886,733	\$ 132,382
Campus Stores Revenues	\$ 3,117,500	\$ 2,892,500	\$ 2,576,500	\$ 2,578,100	\$ 1,600
Campus Stores Expenses	\$ 2,628,290	\$ 2,330,176	\$ 2,058,402	\$ 2,048,291	\$ (10,111)
Net Campus Stores Activity	\$ 489,210	\$ 562,324	\$ 518,098	\$ 529,809	\$ 11,711
Rangerette Showcase Revenues	\$ 70,000	\$ 70,000	\$ 87,900	\$ 156,800	\$ 68,900
Rangerette Showcase Expenses	\$ 37,121	\$ 40,621	\$ 49,853	\$ 135,758	\$ 85,905
Net Rangerette Showcase Activity	\$ 32,879	\$ 29,379	\$ 38,047	\$ 21,042	\$ (17,005)
KCEXCEL Health Club Revenues	\$ 63,500	\$ 63,500	\$ 215,400	\$ 261,900	\$ 46,500
KCEXCEL Health Club Expenses	\$ 106,666	\$ 106,666	\$ 214,712	\$ 212,500	\$ (2,212)
Net KCEXCEL Health Club Activity	\$ (43,166)	\$ (43,166)	\$ 688	\$ 49,400	\$ 48,712
East Texas Oil Museum Revenues	\$ 120,150	\$ 155,150	\$ 183,009	\$ 192,509	\$ 9,500
East Texas Oil Museum Expenses	\$ 141,612	\$ 154,945	\$ 170,695	\$ 182,268	\$ 11,573
Net East Texas Oil Museum Activity	\$ (21,462)	\$ 205	\$ 12,314	\$ 10,241	\$ (2,073)
RangerPRINT Revenues	\$ 327,000	\$ 327,000	\$ 425,000	\$ 790,000	\$ 365,000
RangerPRINT Expenses	\$ 304,405	\$ 245,249	\$ 418,434	\$ 774,000	\$ 355,566
Net RangerPRINT Activity	\$ 22,595	\$ 81,751	\$ 6,566	\$ 16,000	\$ 9,434
Athletics Revenues	\$ 32,500	\$ 32,500	\$ 45,044	\$ 115,154	\$ 70,110
Athletics Expenses	\$ 1,462,007	\$ 1,485,788	\$ 1,627,067	\$ 1,877,869	\$ 250,802
Net Athletics Activity	\$ (1,429,507)	\$ (1,453,288)	\$ (1,582,023)	\$ (1,762,715)	\$ (180,692)
Other	\$ 12,000	\$ -	\$ (25)	\$ -	\$ -
Net Other Auxiliary Departments Activity	\$ 12,000	\$ -	\$ (25)	\$ -	\$ -
Total Net Auxiliary Services Activity:	\$ (158,364)	\$ (7,163)	\$ (251,984)	\$ (249,490)	\$ (242,327)



Kilgore College
Recommended Budget for Fiscal Year 2024
September 1, 2023 to August 31, 2024
Capital Budget

Debt Funded (Budgeted after Debt Issuance)	Amount	Totals
<i>Capital Items</i>		
Nolan Hall	\$3,500,000	
Roof Repair/Maintenance	1,500,000	
<i>Subtotal Debt Funded Capital Projects</i>	5,000,000	\$5,000,000
Cash Funded (Operating Budget)	Amount	Totals
<i>Capital Items</i>		
Roof Repair/Maintenance	\$595,000	
Math Classroom Technology	20,000	
Pool Area Repurpose Study	35,000	
<i>Subtotal Cash Funded Capital Projects</i>	650,000	\$650,000
Cash Funded (One-Time Operating and Limited Reserves)		
<i>Safety & Security</i>		
Nolan Fire Alarm Replacement	\$148,000	\$148,000
<i>Program Expansion</i>		
Laird FFE & Parking Lot	\$1,000,000	
+ CDL Track & Facility (\$500k from Plant Reserves)	1,641,299	
<i>Subtotal Program Expansion</i>	2,641,299	\$2,641,299
<i>Capital Items</i>		
Carpet Gym Floor Replacement	\$125,000	
Box Truck	60,000	
Golf Carts	25,000	
<i>Subtotal Capital Items</i>	210,000	\$210,000
<i>Buildings & Structures</i>		
Campus Improvements	\$265,000	
Student One-Stop Space Study	\$35,000	
<i>Subtotal Buildings & Structures</i>	300,000	\$300,000
<i>Subtotal One-Time Funded Capital Projects</i>		\$3,299,299 +
Total Capital Budget FY2024		\$3,949,299 +



Kilgore College

Recommended Budget for Fiscal Year 2024

Property Tax Rate Comparison


Operating (M&O) and Debt (I&S) Tax Rates

Tax Rates (Rate per \$100 of property valuation)	FY 2021	FY 2022	FY 2023	FY 2024 Proposed	Increase/Decrease	% Change
Operating (Maintenance & Operations)	\$ 0.17500	\$ 0.17500	\$ 0.15127	\$ 0.14003	\$ (0.01124)	-7.43%
Debt (Interest & Sinking)	\$ -	\$ -	\$ 0.02373	\$ 0.03497	\$ 0.01124	47.37%
Total Tax Rate	\$ 0.17500	\$ 0.17500	\$ 0.17500	\$ 0.17500	\$ -	0.00%

HB 1495 Requirements – Lobbying Expenditures

House Bill 1495 from the 86th Texas Legislature added a requirement for proposed budgets prepared by certain political subdivisions. The bill amended Texas Local Government Code section 140.0045 to require that proposed budgets include a line item indicating the amount of expenditures for “directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002, Government Code.” Both line items must allow “as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.”

Institutional Memberships				
Legislative Advocacy Line Item Information				
Membership	Proposed in Budget 2023-2024			Prior Year
	Annual Dues	% of dues devoted to Legislative Advocacy	\$ amount devoted to Legislative Advocacy	\$ amount devoted to Legislative Advocacy
TACC	\$ 25,360.00	23.10%	\$ 5,858.16	\$ 5,579.11
TASB, Inc.	\$ 1,800.00	7.11%	\$ 128.00	\$ 152.80
TCCTA	\$ 350.00	10.00%	\$ 35.00	\$ 35.00
	Totals		\$ 6,021.16	\$ 5,766.91



Kilgore College
Recommended Budget for Fiscal Year 2024
Change in Previously Adopted Rates
House Bill 8 Participation in FAST

Rate per Credit Hour	Original	Revised Rate	
		Private/Home School	Public/Charter
Dual Credit In-District	54.00	54.00	55.00
Dual Credit Out-District	101.40	101.40	55.00

AN RESOLUTION AUTHORIZING THE ISSUANCE OF KILGORE JUNIOR COLLEGE DISTRICT MAINTENANCE TAX NOTE, SERIES 2023 IN AN AMOUNT NOT TO EXCEED \$5,000,000; LEVYING A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID NOTE; AND TO CREATE A SINKING FUND FOR THE REDEMPTION THEREOF AND THE ASSESSMENT AND COLLECTION OF SUCH TAXES; AUTHORIZING THE SALE THEREOF; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE OF SAID NOTE

DATE OF APPROVAL: AUGUST 14, 2023

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RESOLUTION R-2023-__

AN RESOLUTION AUTHORIZING THE ISSUANCE OF KILGORE JUNIOR COLLEGE DISTRICT MAINTENANCE TAX NOTE, SERIES 2023 IN AN AMOUNT NOT TO EXCEED \$5,000,000; LEVYING A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID NOTE; AND TO CREATE A SINKING FUND FOR THE REDEMPTION THEREOF AND THE ASSESSMENT AND COLLECTION OF SUCH TAXES; AUTHORIZING THE SALE THEREOF; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE OF SAID NOTE

WHEREAS, the Kilgore Junior College District (the “District”) was organized, created and established pursuant to Chapter 130, Texas Education Code, as amended, as a political subdivision of the State of Texas (the “State”), and operates under the authority of the Texas Education Code, as amended;

WHEREAS, Section 45.108, Texas Education Code, as amended (the “Act”), authorizes the Board of Trustees (the “Board”) of the District to borrow money for the purpose of paying any lawful maintenance expenditure of the District other than payment of principal of and interest on obligation and to evidence such loans with a negotiable note maturing not more than twenty years from their date;

WHEREAS, pursuant to the provisions of the Texas Education Code, as amended, and an election held in the District on _____, the District has been authorized to levy annual ad valorem taxes for maintenance and all other purposes in an amount not to exceed \$0.30 per \$100 assessed valuation on all taxable property within the District;

WHEREAS, the Board desires to finance certain lawful expenditures of the District through the issuance of negotiable note (the “Note”) issued under the authority of the Act;

WHEREAS, the Board considers it necessary, useful and appropriate to adopt this Resolution and to issue the Note, as permitted by the Act;

WHEREAS, a budget has been adopted by the District for the school year ending August 31, 2023 and the Board hereby finds and determines that, in accordance with the Act, the Note should be issued and sold at this time and such principal amount of Note will not at any time exceed 75% of the previous year's income of the District;

WHEREAS, no bond proposition to authorize the issuance of bonds for the same purpose as the projects being financed with the proceeds of the Note was submitted to the voters of the District during the preceding five years and failed to be approved; and

WHEREAS, the District desires to issue the Note under the Act, the proceeds of which are to be used for the purposes described below.

THEREFORE, BE IT RESOLVED BY THE KILGORE JUNIOR COLLEGE DISTRICT BOARD OF TRUSTEES, FOR AND ON BEHALF OF THE KILGORE JUNIOR COLLEGE DISTRICT, THAT:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.1 Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Resolution the following terms shall have the meanings specified below:

“Board” means the District Board of Trustees.

“Board President” or “President” means the President of the Board.

“Board Secretary” or “Secretary” means the Secretary of the Board.

“Board Treasurer” or “Treasurer” means the Treasurer of the Board.

“Bond Counsel” means Bickerstaff Heath Delgado Acosta LLP, or any other law firm that is engaged by or on behalf of the District to render services to the District as bond counsel in connection with the Note.

“Business Day” means any day that is a day on which financial institutions in the city where the principal office of the Paying Agent/Registrar is located are not authorized by law or executive order to close.

“Closing” means the concurrent delivery of the Note to or upon the order of the Initial Purchaser in exchange for payment therefore.

“Code” means the Internal Revenue Code of 1986, as amended, including the regulations and published rulings thereunder.

“Dated Date” means the dated date of the Note, August 15, 2023.

“Defeasance Assets” means with respect to the defeasance of the Note Obligation, any combination of the following:

(1) an amount of money sufficient, without investment, to pay all Note Obligation when due; and/or

(2) Defeasance Securities authorized by law that (A) are not redeemable prior to maturity, and (B) mature as to principal and interest in such amounts and at such times as will provide, without reinvestment, money sufficient to pay all the Note Obligation when due.

“Defeasance Securities” means (i) direct, noncallable obligation of the United States of America, including obligation that are unconditionally guaranteed by the United States of America, (ii) noncallable obligation of an agency or instrumentality of the United States of America, including obligation that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the District adopts or approves the proceedings authorizing the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligation of a state or an agency or a District, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the District adopts or approves the proceedings authorizing the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (iv) any other then authorized securities or obligation under applicable law of the State of Texas that may be used to defease obligation such as the Note.

“Designated Payment/Transfer Office” means the office of the Paying Agent which is designated for the presentment of the Note Obligation.

“District” or “College” means Kilgore Junior College District.

“Event of Default” means the occurrence of any of the following:

- (1) any Note Obligation not being paid when due; or
- (2) any default by the District under this Resolution that continues for at least 30 days after the date of notice of such default by the Registered Owner is received by the District.

“Form of Note” means the Form of Note set forth in “Exhibit A” to this Resolution.

“Initial Date of Delivery” means the date the Note is delivered to the Initial Purchaser.

“Initial Note” means the Initial Note issued under this Resolution and delivered by (or on behalf of) the District at Closing.

“Initial Purchaser” means _____, the initial purchaser of the Note.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 4.2 of this Resolution.

“Interest Payment Date” means the date or dates upon which interest on the Note is scheduled to be paid until its maturity or prior redemption, such dates being February 15 and August 15 of each year, commencing February 15, 2024.

“Note” means the Note authorized to be issued by Section 2.1 of this Resolution and designated as “Kilgore Junior College District Maintenance Tax Note, Series 2023,” in the

aggregate principal amount of \$ _____ and includes any substitute Note exchanged therefor, as well as any other substitute Note and replacement Note issued pursuant to this Resolution.

“Note Obligation” means the principal, premium (if any), and interest payment obligation of the District under the Note.

“Paying Agent/Registrar” means initially _____, or any successor thereto as provided in this Resolution.

“Paying Agent/Registrar Agreement” means the agreement between the District and the Paying Agent/Registrar providing for the rendering of paying agency and registrar services for the Note.

“Person” means any individual, partnership, corporation, trust, or unincorporated organization or governmental entity.

“Project” means various capital maintenance items, including: (1) roof replacement/repairs, (2) HVAC upgrades, (3) new parking lots, (4) room renovations, and (5) to pay the costs of professional services and costs of issuance of the Note.

“Project Fund” means the project fund established by Section 4.1 of this Resolution.

“Purchase and Investment Letter” means the agreement between the Initial Purchaser and the District prescribing the terms and conditions under which the Note is sold to the Initial Purchaser.

“Record Date” means the Record Date as defined in the Form of Note.

“Register” means the register specified in Section 3.5 of this Resolution.

“Registered Owner” or “Owner” means the person who is the registered owner of the Note, as shown in the Register.

“Resolution” means this Resolution, including any amendments thereto.

Section 1.2 Preamble. The statements and determinations in the preamble of this Resolution are hereby adopted and made a part of this Resolution.

ARTICLE II

AUTHORIZATION FOR THE NOTE

Section 2.1 Authorization, Amount and Purpose of the Note. The District's maintenance tax note (the “Note”) is hereby authorized to be issued in the aggregate principal

amount of \$ _____ for the purpose of paying contractual obligation incurred for various capital maintenance items, including: (1) roof replacement/repairs, (2)HVAC upgrades, (3) new parking lots, (4) room renovations, and (5) to pay the costs of professional services and costs of issuance of the Note.

Section 2.2 Particular Terms and Provisions of the Note. The following terms and provisions of the Note shall be as provided in Section 3.1 of this Resolution and the Form of Note (which is hereby incorporated as a part of this Resolution):

- (1) the initial aggregate principal amount of the Note;
- (2) the amounts of the respective principal installment payments due under the Note and the rate(s) at which interest is payable on such principal;
- (3) the numbering of the Note;
- (4) the series date of the Note;
- (5) provisions governing the time, place, and manner of payment of the Note Obligation;
- (6) any prepayment provisions applicable to the Note; and
- (7) such other terms or provisions applicable to the Note as are set forth in the Form of Note.

ARTICLE III

GENERAL PROVISIONS REGARDING THE NOTE

Section 3.1 Dates, Denominations, Maturities, and Interest Rates.

(a) There shall be issued, sold, and delivered registered Note, without interest coupons, dated as of August 1, 2023 (which date shall be the Dated Date noted on the Note), in the respective denominations and principal amounts hereinafter stated, numbered separately from R-1 upward, payable to the respective Registered Owners thereof, except the Initial Note which shall be numbered I-1 and registered in the name of the Initial Purchaser, or to the registered assignee or assignees of said Note or any portions or portions thereof (in each case, the Registered Owner), and the Note shall mature serially and be payable on February 15 in each of the years and in the respective amounts as set forth below and the Note shall bear interest from the Delivery Date or the most recent date to which interest has been paid or duly provided for at the following rates per annum based upon a 360-day year of twelve 30-day months:

YEARS OF STATED MATURITY	PRINCIPAL INSTALLMENTS	INTEREST RATES
_ / _ / _	\$ _____	_____ %

Interest on this Note is payable by check on February 15, 2024 and on each August 15, and February 15, thereafter, mailed to the Registered Owner of record as shown on the Register kept by the Paying Agent/Registrar, as of the date which is the last business day of the month next preceding the Interest Payment Date (the "Record Date"), or in such other manner as may be acceptable to the Registered Owner and the Paying Agent/Registrar.

(b) Optional Redemption. The District reserves the option to redeem Note, in whole or in part, on any date, before their respective scheduled maturity dates, at a price equal to the principal amount of the Note to be called for redemption plus accrued interest to the date fixed for redemption. The District, at least thirty (30) days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and the amounts thereof to be redeemed. The Paying Agent/Registrar shall give notice of such prepayment to the Registered Owner by mailing such notice by first class United States mail, postage paid, at least 20 days prior to the prepayment date, to the record address of the Registered Owner. Such notice shall state the prepayment date, the prepayment amount (including any accrued interest), and the place of prepayment. Failure of the Paying Agent to give (or to properly give) such notice of prepayment to the Registered Owner shall not affect the validity of the prepayment.

(c) Unclaimed Amounts.

Any money deposited with the Paying Agent/Registrar for the payment of the principal of, premium, if any, or interest on any Note will be subject to the unclaimed property laws of the State of Texas. If any security or interest check shall not be presented for payment within three (3) years following the stated maturity, the amount shall be reported and disposed of by the Paying Agent/Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended. Once the Paying Agent/Registrar has complied with the applicable unclaimed property law, the Holder of such Security shall thereafter look only to the procedures in the unclaimed property law for payment thereof, and all liability of the Paying Agent/Registrar with respect to such money shall thereupon cease.

Section 3.2 Execution.

(a) The Note shall be executed on behalf of the District by the manual or facsimile signature of the officer(s) of the District indicated in the Form of Note. The seal of the District shall be placed on the Note manually or in facsimile.

(b) If an officer who signed the Note on the District's behalf ceases to hold office before the actual delivery of the Note signed by such officer, such Note may be delivered with the same effect as if such officer had remained in office.

Section 3.3 Form of Note.

(a) The Note (including the Authentication Certificate, Registration Certificate of the Comptroller, the form of Authentication Certificate of Paying Agent/Registrar and Assignment Form to appear thereon) shall be substantially in the form of the Form of Note, with such insertions and variations as are permitted or required by this Resolution.

(b) The Note may be endorsed with such legends and endorsements and may be identified with such letters, numbers, or other distinguishing symbols as:

(1) conform to usage or law and are approved by the Paying Agent/Registrar;
or

(2) are approved by the officer of the district executing the Note, as evidenced by such execution thereof.

(c) Any portion of the text of the Note may be set forth on the reverse side thereof.

(d) A reproduction of Bond Counsel's approving opinion for the Note may be attached to the Note.

(e) CUSIP numbers may appear on the Note, but the presence or absence thereof shall not affect the legality or enforceability of the Note, and neither the District nor Bond Counsel is responsible for such numbers correctly appearing on the Note.

(f) The Note may be issued in printed or typewritten form or any other form approved by the officer of the District executing the Note, as evidenced by such execution thereof.

Section 3.4 Comptroller Registration/Authentication.

(a) Only a Note that has endorsed thereon the Registration Certificate of the Comptroller or the Authentication Certificate of the Paying Agent/Registrar, duly executed by manual signature, shall be valid or be entitled to any benefit of this Resolution. A certificate so executed on a Note shall be conclusive evidence and the only evidence that such Note has been duly issued under this Resolution and that the Registered Owner is entitled to the benefits hereof.

(b) The Initial Note shall have endorsed thereon a duly executed Registration Certificate of the Comptroller.

Section 3.5 Ownership. A Registered Owner shall be deemed to be the absolute owner of the Note for all purposes.

Section 3.6 Registration and Transfer.

(a) The Note is issuable only as a fully registered instrument as to principal, premium (if any), and interest.

(b) The Register shall be maintained by the Paying Agent/Registrar, as registrar for the Note, at its principal office.

(c) A transfer of the Note is not effective until entered in the Register. The transfer of the Note shall be made by the Paying Agent/Registrar upon the surrender to the Paying Agent/Registrar of the Note by the Registered Owner (or such owner's duly authorized attorney), together with such endorsement or other evidence of transfer as is satisfactory to Paying Agent/Registrar.

(d) To affect a transfer, the district shall execute and the Paying Agent/Registrar shall authenticate and deliver to the transferee (or its designee) a new Note of the same tenor as the Note surrendered for transfer.

(e) A transfer of the Note shall be made without any charge to the Registered Owner, except that any tax or other governmental charge imposed with respect to the transfer shall be paid by the Registered Owner requesting the transfer.

(f) The Note may only be transferred to: (i) a transferee who executes and delivers to the District a letter of the transferee containing representations substantially to the effect of those contained in the Purchase and Investment Letter; (ii) a transferee who qualifies as a "qualified institutional buyer" as defined in Rule 144A under the 1933 Act; (iii) a transferee who qualifies as an "accredited investor" within the meaning of Section 2(a)(15) of the 1933 Act; or (iv) a securitization special purpose vehicle ("SPV") the interests in which SPV are sold to institutional investors only.

(g) The transferring holder thereof will not prepare or furnish, or cause to be prepared or furnished, any disclosure regarding the District's finances without the prior review and written consent of the District, in the District's sole discretion.

Section 3.7 Replacement.

(a) If a Note becomes mutilated, lost, stolen, or destroyed, it may be replaced with a new Note in accordance with applicable law.

(b) Upon the request of the owner of the mutilated, lost, stolen, or destroyed Note and, in the case of a mutilation, upon surrender of the mutilated Note to the Paying Agent/Registrar by the Registered Owner (or such owner's duly authorized attorneys), the District shall execute and the Paying Agent/Registrar shall authenticate and deliver to the Registered Owner a new Note of the same tenor to replace the mutilated, lost, stolen, or destroyed Note.

(c) In the case of a requested replacement for a lost, stolen, or destroyed Note, a replacement Note may not be authenticated or delivered unless the Registered Owner:

(1) furnishes the Paying Agent/Registrar with evidence satisfactory to the Paying Agent/Registrar that the Note has in fact been lost, stolen, or destroyed;

(2) provides indemnity or security satisfactory to the Paying Agent/Registrar to save it and the District harmless from any loss or damage with respect thereto; and

(3) satisfies such other requirements as may reasonably be imposed by the Paying Agent/Registrar.

(d) The Registered Owner requesting a replacement Note shall pay:

(1) an amount sufficient to reimburse any out-of-pocket expenses incurred by the District and the Paying Agent/Registrar in connection with making the replacement; and

(2) any tax or other governmental charge imposed with respect to the replacement.

Section 3.8 Cancellation.

(a) The Paying Agent/Registrar, by appropriate record in the Register, shall cancel a Note upon:

(1) the discharge of all of the Note Obligation due thereunder;

(2) the delivery of the Note to the Paying Agent/Registrar for cancellation; or

(3) the delivery of a new Note in place of such Note in accordance with this Resolution.

(b) A canceled Note in the Paying Agent/Registrar's possession shall be destroyed by the Paying Agent/Registrar in a manner consistent with the law. Upon such a destruction, the Paying Agent/Registrar shall furnish the District with a certificate of destruction.

Section 3.9 Payment of the Note Obligation.

(a) The District shall pay or cause to be paid the entire Note Obligation as provided in the Form of Note.

(b) The Paying Agent/Registrar, as paying agent for the Note, shall calculate the amount of the Note Obligation from time to time payable under the Note and make timely payment of the Note Obligation from the funds made available therefore pursuant to this Resolution.

(c) Payment of the Note Obligation by mail (as provided in the Form of Note) shall be paid to the Person who is the Registered Owner at the close of business on the Record Date.

(d) The Paying Agent/Registrar shall maintain proper records of all payments of the Note Obligation.

ARTICLE IV

MANAGEMENT OF FUNDS

Section 4.1 Project Fund and Disposition of Note Proceeds.

(a) Establishment of Project Fund. A special fund or account, to be designated the “Kilgore Junior College District Maintenance Tax Note, Series 2023 Project Fund” (the “Project Fund”) is hereby created and shall be established and maintained by the District at the official District depository. The Project Fund shall be kept separate and apart from all other funds and accounts of the District. The proceeds from the sale of the Note shall be deposited in the Project Fund and payments therefrom shall be made as provided below.

(b) Payments from Project Fund. Payments from the Project Fund shall be used solely for the purpose of various capital maintenance items, including: (1) roof replacement/repairs, (2)HVAC upgrades, (3) new parking lots, (4) room renovations, and (5) to pay the costs of professional services and costs of issuance of the Note..

(c) Surplus Project Funds. Any money remaining in the Project Fund after completion of the entirety of the contractual obligation authorized hereby shall be deposited into the Interest and Sinking Fund.

Section 4.2 Interest and Sinking Fund.

(a) The Interest and Sinking Fund is hereby created. The Interest and Sinking Fund shall be maintained (separate from any other funds) by the District at an official depository of the District so long as any amount of the Note Obligation remains unpaid.

(b) The Interest and Sinking Fund shall be applied exclusively to the purpose of the payment of the Note Obligation and as otherwise provided by this Resolution.

Section 4.3 Transfer of Funds to Paying Agent/Registrar. The District shall transfer to the Paying Agent/Registrar, from the Interest and Sinking Fund, immediately available funds in an amount sufficient to pay the Note Obligation such that such funds are actually received by the Paying Agent/Registrar on the Business Day preceding that date on which the Note Obligation is due.

Section 4.4 Investments.

(a) The funds on deposit in the Interest and Sinking Fund may be held uninvested or may be invested in investments in which the District's general funds are authorized by law to be invested. Any uninvested funds shall be secured in the manner and to the extent required by law.

(b) Investments of the Interest and Sinking Fund shall be made such that funds will be timely available as required by this Resolution. The proceeds received from the disposition, and any investment earnings, of any such investment shall be deposited into the Interest and Sinking Fund.

Section 4.5 Unclaimed Payment.

(a) Any funds on deposit with the Paying Agent/Registrar for the payment of the Note Obligation, which funds are unclaimed by the Registered Owner, shall be held by the Paying Agent/Registrar, uninvested, for the exclusive benefit of such Registered Owner, without liability for any interest thereon.

(b) Any such funds remaining unclaimed for three years after such Note Obligation becomes due (or such other period as specified by applicable law) shall be disposed of pursuant to Title 6 of the Texas Property Code or other applicable law. After such disposal, all liability of the Paying Agent/Registrar for the payment of such funds shall cease.

ARTICLE V

FEDERAL TAX PROVISIONS

Section 5.1 Preservation of Tax-Exempt Status. The District covenants to take any action necessary to secure, or refrain from any action which would adversely affect, the treatment of the Note as an obligation described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the District covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the projects financed therewith are so used, such amounts, whether or not received by the District, with respect to such private business use, do not, under the terms of this Resolution or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Note, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Note or the projects licensed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent

is used for a “private business use” which is “related” and not “disproportionate,” within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Note (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Note being treated as a “private activity bond” within the meaning of section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Note being “federally guaranteed” within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Note, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Note, other than investment property acquired with--

(1) proceeds of the Note invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Note is issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Note;

(g) to otherwise restrict the use of the proceeds of the Note or amounts treated as proceeds of the Note, as may be necessary, so that the Note do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Note) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Note have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(i) to maintain such records as will enable the District to fulfill its responsibilities under this section and section 148 of the Code and to retain such records for at least six years following the final payment of principal of and interest on the Note.

In order to facilitate compliance with the above covenants (h) and (i), a “Rebate Fund” is hereby authorized to be established by the District for the sole benefit of the United States of

America, and such fund shall not be subject to the claim of any other person, including, without limitation, the Owners. The Rebate Fund is authorized to be established for the additional purpose of compliance with section 148 of the Code.

It is the understanding of the District that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Note, the District will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Note under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Note, the District agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Note under section 103 of the Code. In furtherance of such intention, the district hereby authorizes and directs the Board President and Board Secretary to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the District, which may be permitted by the Code as are consistent with the purpose for the issuance of the Note.

Section 5.2 [RESERVED].

Section 5.3 Bank Qualified.

(a) The Note is hereby designated as “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code. The District (including any entity acting “on behalf of” the District, any “subordinate entity” to the District, and any entity formed or “availed of” to avoid the “qualified tax-exempt obligation” requirements, within the meaning of Section 265(b) of the Code) does not expect to issue tax-exempt obligation in an aggregate amount exceeding \$10,000,000 during the calendar year in which the Note is issued.

(b) The District will take such lawful action as is necessary for the Note to constitute a qualified tax-exempt obligation under Section 265 of the Code.

Section 5.4 Federal Tax Certifications. Appropriate officers, employees, and agents of the District are hereby authorized to certify such facts as requested by Bond Counsel to enable Bond Counsel to render its opinion regarding the tax-exempt status of the Note.

Section 5.5 Authorized Noncompliance. Compliance with the provisions of this Resolution relating to the tax-exempt status of the Note is not required to the extent that, in the written opinion of Bond Counsel, such noncompliance will not adversely affect the tax-exempt status of the Note.

ARTICLE VI

PARTICULAR REPRESENTATIONS, STIPULATIONS AND COVENANTS

Section 6.1 Resolution Constitutes a Contract. This Resolution shall constitute a contract between the District and the Registered Owner.

Section 6.2 Amendment.

(a) Except as provided by subsection (b) of this Section, this Resolution may not be amended without the consent of the Registered Owner.

(b) Registered Owner consent is not required for an amendment to this Resolution if the amendment, in the opinion of Bond Counsel, will not adversely affect the rights of the Registered Owner under this Resolution or the Note.

Section 6.3 Written Communications by Registered Owner.

(a) Any communication required or authorized by this Resolution to be executed by the Registered Owner may be executed by the Registered Owner in person or by an agent appointed by written instrument.

(b) The fact and date of the execution by any Person of any such communication may be proved by:

(1) the certificate of any officer in any jurisdiction who, under the law thereof, has power to take acknowledgments within such jurisdiction, to the effect that the Person signing such communication acknowledged before such officer the execution thereof, or

(2) an affidavit of a witness to such execution.

(c) Proof of execution of instruments in the manner provided by this section shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the District and the Paying Agent/Registrar with respect to any action taken in reliance thereon.

Section 6.4 Effect of Prior Action. Any consent of or other communication from the Registered Owner shall bind every future owner of the Note in respect of anything done by or on behalf of the District or the Paying Agent/Registrar pursuant to or in reliance on such communication.

Section 6.5 Determining Note Ownership. The Paying Agent/Registrar is not bound to recognize any Person as the owner of the Note or take action at such Person's request unless such Person furnishes evidence of its identity as the Registered Owner satisfactory to the Paying Agent/Registrar.

ARTICLE VII

REMEDIES

Section 7.1 Remedies.

(a) Upon the occurrence of an Event of Default, the Registered Owner may take any action, at law or in equity, to enforce the Note or this Resolution to obtain any rights or remedies afforded by law.

(b) No remedy available to the Registered Owner shall be considered exclusive of any other remedy, and each remedy shall be considered cumulative.

(c) No delay or omission to exercise any right or power existing upon an Event of Default shall impair such right or power or constitute a waiver thereof, and each such right or power may be exercised as often as may be considered expedient.

Section 7.2 Enforcement by Paying Agent/Registrar.

(a) The Paying Agent/Registrar may act on behalf of the Registered Owner in enforcing any rights or remedies of the Registered Owner in connection with an Event of Default if:

(1) the Registered Owner requests the Paying Agent/Registrar to act on the Registered Owner's behalf, and

(2) the Paying Agent/Registrar, in its absolute discretion, agrees to so act.

(b) This section does not impair the right of the Registered Owner, by suit or otherwise, to enforce this Resolution or the Note.

(c) Any suit or other action or proceeding instituted by the Paying Agent/Registrar pursuant to this section may be instituted in its name, as Paying Agent/Registrar.

Section 7.3 Restoration of Rights. If any action taken as a result of an Event of Default is discontinued or abandoned for any reason, or is determined adversely to the Registered Owner or the Paying Agent/Registrar, the Registered Owner and the Paying Agent/Registrar each shall be restored to their respective former positions and rights under this Resolution and the Note, and all rights, remedies, and powers of the Registered Owner and the Paying Agent/Registrar shall continue as though no such action had been taken.

ARTICLE VIII

CONCERNING THE PAYING AGENT/REGISTRAR

Section 8.1 Paying Agent/Registrar Agreement.

(a) The District hereby approves the Paying Agent/Registrar Agreement in substantially the form attached to this Resolution as “Exhibit B.” _____ is hereby designated as the initial Paying Agent/Registrar for the Note. In the event of a conflict between the Paying Agent/Registrar Agreement and this Resolution, this Resolution shall control.

(b) The Paying Agent/Registrar shall not be required to give any bond or surety with respect to the performance of its duties and functions as paying agent and registrar for the Note.

Section 8.2 Maintaining a Paying Agent/Registrar. While any Note Obligation remains unpaid, the District shall maintain a qualified Person to serve in the position of Paying Agent/Registrar.

Section 8.3 Resignation.

(a) The Paying Agent/Registrar may resign and be discharged of the duties as paying agent and registrar for the Note by executing an instrument of resignation and delivering such instrument to the District. A successor to the resigning Paying Agent/Registrar shall be promptly appointed by the District.

(b) A resigning Paying Agent/Registrar shall continue to serve as paying agent and registrar for the Note until its successor accepts appointment as Paying Agent/Registrar. If an instrument of acceptance by a successor Paying Agent/Registrar is not delivered to the resigning Paying Agent/Registrar within 60 days after the date of delivery of the resignation notice to the District, the resigning Paying Agent/Registrar may petition a court of competent jurisdiction for the appointment of a successor Paying Agent/Registrar.

Section 8.4 Removal. The Paying Agent/Registrar may be removed by the District at any time by written instrument appointing a successor Paying Agent/Registrar filed with the Paying Agent/Registrar to be so removed. Such removal shall not take effect prior to the acceptance of such appointment by the successor Paying Agent/Registrar.

Section 8.5 Other Vacancy. If the Paying Agent/Registrar is dissolved, or if its property or affairs are taken under the control of any state or federal court or administrative body because of insolvency or bankruptcy or for any other reason, a vacancy shall exist in the position of Paying Agent/Registrar, a successor shall be appointed by the District as soon as practicable.

Section 8.6 Acceptance of Appointment by Successor.

(a) A successor Paying Agent/Registrar shall execute, acknowledge, and deliver to the predecessor Paying Agent/Registrar an instrument accepting its appointment and deliver a copy of such instrument to the District. Thereupon, such successor Paying Agent/Registrar, without any further action, shall become duly vested with all of the property, rights, powers, and duties of its predecessor, with like effect as if originally designated Paying Agent/Registrar.

(b) Upon request of a successor Paying Agent/Registrar, the predecessor Paying Agent/Registrar shall:

(1) execute and deliver an instrument transferring to such successor Paying Agent/Registrar all of the property, rights, powers, and duties of the predecessor Paying Agent/Registrar in its capacity as paying agent and registrar for the Note ; and

(2) deliver to the successor Paying Agent/Registrar the Register and all funds and other records and property at the time held by it, provided that such delivery is not required until the predecessor Paying Agent/Registrar is paid in full for its services as paying agent and registrar for the Note.

(c) If a rating on the Note is in effect when a successor Paying Agent/Registrar accepts appointment as successor Paying Agent/Registrar, such successor Paying Agent/Registrar, promptly upon such acceptance, shall notify each rating agency that has a rating on the Note in effect of such acceptance.

Section 8.7 Merger. Any corporation (1) into which the Paying Agent/Registrar is merged or with which it is consolidated, (2) resulting from any merger or consolidation to which the Paying Agent/Registrar is a party, or (3) to which any Paying Agent/Registrar transfers substantially all of its assets shall be deemed to be a successor Paying Agent/Registrar without any further action on any Person's part.

Section 8.8 Confidentiality of Records. The Paying Agent/Registrar shall keep the Register and any other records it maintains in connection with the Note confidential, except as otherwise required by law. The District (or its designee) reserves the right to inspect the Register and such other records during the regular business hours of the Paying Agent/Registrar.

Section 8.9 Notice of Change to Registered Owner. Promptly upon each change in the Person serving as Paying Agent/Registrar, the District will cause notice of such change to be sent to the Registered Owner, which notice shall state the effective date of such change and the name and mailing address of the successor Paying Agent/Registrar. Failure to give notice under this section does not affect the validity of a change in the Person serving as Paying Agent/Registrar.

ARTICLE IX

TAX LEVY

Section 9.1 Tax Levy Procedure. Pursuant to the authority granted by the Constitution and laws of the State of Texas, there shall be levied and there is hereby levied for the current year and each succeeding year thereafter while the Note or any interest thereon is outstanding and unpaid, an ad valorem tax within legal limitations on each \$100 valuation of taxable property in the District, at a rate sufficient within the limits prescribed by law to pay the debt service requirements on the Note, when due and payable, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the debt service requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Interest and Sinking Fund. This governing body hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the debt service requirements, it having been determined that the existing and available taxing authority of the District for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligation. The District's pledge of the aforementioned tax for the payment of the debt service requirements of the Note is authorized by Section 45.108 of the Texas Education Code.

The amount of taxes to be provided annually for the payment of principal of and interest on the Notes shall be determined and accomplished in the following manner:

(a) The District's annual budget shall reflect the amount of debt service requirements to become due on the Notes in the next succeeding Fiscal Year.

(b) The amount required to be provided in the succeeding Fiscal Year of the District from ad valorem taxes shall be the amount of the debt service requirements to be paid on the Notes in the next succeeding Fiscal Year.

(c) Following the final approval of the annual budget of the District, the governing body of the District shall, by order, levy an ad valorem tax at a rate sufficient to produce taxes in the amount determined in paragraph (b) above, to be utilized for purposes of paying the principal of and interest on the Notes in the next succeeding Fiscal Year.

If the liens and provisions of this Resolution shall be released in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of the outstanding Note there shall be subtracted the amount of the Note that has been duly paid.

Section 9.2 Effect of Pledge. Chapter 1208, Government Code, applies to the issuance of the Note and the pledge of the taxes granted by the District under Article IX of this Resolution, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of the taxes granted by the District under Section 9.1 of this Resolution is to be subject to the filing requirements of Chapter 9,

Business & Commerce Code, then in Resolution to preserve to the Registered Owner of the Note the perfection of the security interest in said pledge, the District agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code, and enable a filing to perfect the security interest in said pledge to occur.

ARTICLE X

SALE AND DELIVERY

Section 10.1 Sale of the Note.

(a) The sale of the Note to _____ (the "Initial Purchaser"), pursuant to the Purchase and Investment Letter substantially in the form attached hereto as "Exhibit C," which price and terms are hereby found to be the lowest true interest cost and the most advantageous and reasonably obtainable by the District. The execution and delivery of such Purchase and Investment Letter is hereby authorized and approved, and the officers of the District are hereby authorized and directed to execute and deliver such Purchase and Investment Letter, with such changes therein as the officers executing such Purchase and Investment Letter shall determine, such approval conclusively evidenced by such execution thereof.

(b) Proceeds from the sale of the Note shall be applied as follows:

(1) \$ _____ .00 to the Project Fund; and

(2) \$ _____ .00 to pay the costs of issuance of the Note.

Section 10.2 Control and Delivery of the Note.

(a) The President of the Board is hereby authorized to have control of the Note and of all records and proceedings pertaining thereto pending the governmental approval(s) and other official action(s) necessary for the lawful issuance of the Note and their delivery to the Initial Purchaser.

(b) After all action necessary for the lawful issuance of the Note has been taken, the Note shall be delivered under the general supervision of such presiding officer against receipt by the District of the purchase price of the Note.

(c) The Note shall be initially registered and delivered as directed by the Initial Purchaser (or its designee). Prior to such delivery, the Paying Agent/Registrar shall insert (or cause to be inserted) on the Note any information called for in the Form of Note that is necessary to complete the Note.

ARTICLE XI

DISCHARGE AND DEFEASANCE

Section 11.1 Discharge.

(a) The claim of this Resolution against the Pledged Security shall be deemed discharged and of no further force and effect when:

(1) all Note Obligation have been discharged; and

(2) all other amounts payable under this Resolution (including, without limitation, compensation of the Paying Agent/Registrar) have been paid, or arrangements satisfactory to the Person to whom any such payment is due for making such payment have been made.

(b) The Note Obligation shall be deemed discharged when:

(1) such Note Obligation have:

(A) been paid in accordance with the terms of the Note; or

(B) become due (whether as scheduled or by prepayment) and an amount of money sufficient for the payment thereof has been deposited in the Interest and Sinking Fund or with the Paying Agent/Registrar; or

(2) the Note Obligation has been defeased by a deposit of Defeasance Assets pursuant to this Resolution.

Section 11.2 Defeasance.

(a) The Note Obligation shall be deemed defeased when the following requirements have been satisfied:

(1) the payment of the Note Obligation has been provided for by irrevocably depositing Defeasance Assets into the Interest and Sinking Fund or with the Paying Agent/Registrar, which shall be held in trust in a separate escrow account and applied exclusively to the payment of the Note Obligation;

(2) the District has received an opinion of Bond Counsel to the effect that:

(A) such deposit of Defeasance Assets:

(i) does not adversely affect the tax-exempt status of the Note;
and

(ii) complies with applicable law; and

(B) all conditions precedent to the Note Obligation being deemed defeased have been satisfied;

(3) all amounts (other than the Note Obligation) due, or reasonably estimated by the Paying Agent/Registrar to become due, under this Resolution (including, without limitation, compensation of the Paying Agent/Registrar) with respect to the Note have been paid, or provision satisfactory to the Person whom any such payment is or will be due for making such payment has been made;

(4) if the Note is to be prepaid, notice of such prepayment has been duly given, or arrangements satisfactory to the Paying Agent/Registrar for giving such notice have been made;

(5) if any of the Note Obligation are to be paid more than 180 days after the date of such deposit of Defeasance Assets, notice of such deposit has been given by the Paying Agent/Registrar to the Registered Owner, or arrangements satisfactory to the Paying Agent/Registrar for giving such notice have been made; and

(6) the Paying Agent/Registrar has received such other documentation and assurance as the Paying Agent/Registrar reasonably may request.

(b) Funds shall be transferred from the Interest and Sinking Fund or the escrow account established pursuant to this section (as applicable) at such times and in such amounts as necessary for the timely payment of the Note Obligation.

(c) To the extent permitted by law, the Paying Agent/Registrar, at the District's direction, may substitute, for any of the obligation deposited as Defeasance Assets pursuant to this section, other obligation constituting Defeasance Assets if, upon such substitution, the requirements of Subsection (a) of this section are satisfied. Any net proceeds realized from such a substitution shall be paid to the District.

(d) If a provision of this section conflicts with the law, this section shall be applied, to the extent practicable, as if such provision were consistent with law.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 12.1 Execution and Delivery of Documents.

(a) The District hereby authorizes the execution and delivery of, and the performance of the District's obligation under:

(1) the documents approved by this Resolution; and

(2) any other instruments, certificates, or other documents required by the documents approved by this Resolution or to affect the transactions contemplated by this Resolution and such documents.

(b) Subsequent to the adoption of this Resolution, the provisions of any document approved by this Resolution may be changed prior to the execution and delivery of such document, to the extent permitted by law, at the request of any party to such documents, if the change:

(1) would not adversely affect the tax-exempt status of the Note;

(2) does not violate the Act;

(3) does not constitute a breach of any agreement between the District and the Initial Purchaser without the express consent of the affected party; and

(4) is approved by each party to the document (which approval may be given on each party's behalf by the authorized representative(s) of such party executing such document, which execution shall evidence such approval).

Section 12.2 Notices and Other Communications.

(a) Notices, consents, requests, and other communications under this Resolution shall be in writing and delivered by first class United States mail, postage paid, by telex, telegram, or other electronic transmission, or by express or personal delivery.

(b) Communications to the Registered Owner under this Resolution shall be deemed properly delivered if sent by first class United States mail postage paid, to such owner's address appearing in the Register.

(c) A provision of this Resolution or the Paying Agent/Registrar Agreement that provides for a different method of communication or otherwise conflicts with this section supersedes this section to the extent of the conflict.

Section 12.3 Governmental Action. The District hereby directs that the Note, this Resolution, and other appropriate proceedings and documents relating to the Note be submitted to any governmental entity, agency or office to which any such material must be submitted to effect the lawful issuance of the Note.

Section 12.4 Authority for Officers to Execute Documents. The Board President and Board Secretary are authorized to execute the Note on behalf of the District and to affix the official seal of the District thereon. The Board Treasurer is authorized to register the Note. The President and Secretary, and all other officers, employees, and agents of the District, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things, and to execute, acknowledge, and deliver in the name and under the seal of the District and on behalf of the District all such instruments,

whether or not herein mentioned, as may be necessary or desirable in the Resolution to carry out the terms and provisions of this Resolution, the Note, and the Paying Agent/Registrar Agreement.

Section 12.5 No Rule 15c2-12 Undertaking; Annual Financial Statements. The Note is being sold pursuant to a private placement with the Initial Purchaser, in denominations of generally \$100,000 or any integral multiple of \$1,000 in excess thereof, to less than thirty-five sophisticated investors, and therefore SEC Rule 15c2-12 is not applicable to the offering of the Note. Accordingly, no contract to provide continuing disclosure information after the issuance of the Note has been made by the District with investors.

While the Note remain outstanding, unless waived by the Initial Purchaser, the District shall provide the following to the Initial Purchaser:

- (a) All reasonably requested and available audited financial statements for each District fiscal year ending on and after August 31, 2023, within 270 days after the end of each fiscal year, and
- (b) Other financial information regarding the District as the Initial Purchaser shall reasonably request.

Section 12.6 No Personal Liability. No obligation imposed under this Resolution, the Note, or any document executed by the District in connection therewith shall be deemed to be the obligation, in an individual capacity, of any officer, employee, or agent of the District, and no such officer, employee, or agent or any individual executing the Note or any such other document contemplated by this Resolution on behalf of the District shall be subject to any personal liability with respect thereto.

Section 12.7 Benefit of Resolution. Except as otherwise expressly provided in this Resolution or in the Note, neither this Resolution nor the Note confer any right, remedy, or claim on any Person other than the District, the Paying Agent/Registrar, and the Registered Owner.

Section 12.8 Severability. If any part of this Resolution is ruled unenforceable by a court of competent jurisdiction, this Resolution shall remain operable to the greatest extent possible under the application of such ruling.

Section 12.9. Further Procedures. The Board President, Board Secretary, Board Treasurer, and all other officers, employees, and agents of the District, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things to execute, acknowledge and deliver in the name and under the official seal of the District and on behalf of the District all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution, the Note, the sale of the Note and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Note, the Board President, Board Secretary, Board Treasurer, and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any of the instruments authorized and approved by this Resolution necessary in order to (i) correct any ambiguity or mistake or properly

or more completely document the transactions contemplated and approved by this Resolution, (ii) obtain a rating from any of the national bond rating agencies or satisfy any requirements of the provider of a municipal bond insurance policy, if any, or (iii) obtain the approval of the Note by the Attorney General's office. In case any officer whose signature shall appear on any Note shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 12.10. Resolution a Contract; Amendments. The Resolution shall constitute a contract with the Owners, from time to time, of the Note, binding on the District and its successors and assigns, and shall not be amended or repealed by the District as long as any Note remains outstanding except as permitted in this Section. The District may amend the Resolution without the consent of or notice to any Owners in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission therein. In addition, the District may, with the written consent of the holders of a majority in aggregate principal amount of the Note then outstanding affected thereby, amend, add to, or rescind any of the provisions of the Resolution; except that, without the consent of the Owners of all the Note affected, no such amendment, addition, or rescission may (1) change the date specified as the date on which the principal of any installment of interest on any Note is due and payable, reduce the principal amount thereof, or the rate of interest thereon, change the place or places at or the coin or currency in which any Note or interest thereon is payable, or in any other way modify the terms of payment of the principal of or interest on the Note, (2) give any preference to any Note over any other Note, or (3) reduce the aggregate principal amount of the Note required for consent to any amendment, addition, or waiver.

Section 12.11 Incorporation of Recitals. The District finds that the statements set forth in the recitals of this Resolution are true and correct, and the District hereby incorporates such recitals as a part of this Resolution.

Section 12.12 Public Meeting. It is officially found, determined and declared that the meeting at which this Resolution has been read and has been adopted was open to the public, and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Resolution, was given, all as required by the applicable provisions of Chapter 551, Texas Government Code.

Section 12.13 Effective Date. This Resolution shall take effect and be in full force and effect upon and after its passage.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED this _____ day of _____, 2023.

Board President
Kilgore Junior College District

ATTEST:

Board Secretary
Kilgore Junior College District

[DISTRICT SEAL]

[SIGNATURE PAGE FOR ORDER]

EXHIBIT A

Form of Note

(a) Except as provided by Paragraph (b) below of this "Exhibit A," the Note shall be issued in substantially the following form:

FORM OF NOTE

United States of America
State of Texas

NUMBER	DENOMINATION
R-_____	\$_____,000
REGISTERED	REGISTERED

KILGORE JUNIOR COLLEGE DISTRICT
MAINTENANCE TAX NOTE
SERIES 2023

DATED DATE:	INTEREST RATE:	STATED MATURITY:
August 15, 2023	_____ %	_____

INITIAL DATE OF DELIVERY: _____, 2023

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KILGORE JUNIOR COLLEGE DISTRICT (the "District"), a political subdivision of the State of Texas, for value received, promises to pay to the order of the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated, and to pay interest on the unpaid principal amount hereof from the Initial Date of Delivery at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2024.

PRINCIPAL OF THIS NOTE is payable at its Stated Maturity or redemption to the Registered Owner hereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or its successor. Interest is payable to the Registered Owner of this Note whose

name appears on the “Register” maintained by the Paying Agent/Registrar at the close of business on the “Record Date,” which is the last business day of the month next preceding each Interest Payment Date, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first class postage prepaid, to the address of the Registered Owner recorded in the Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. All payments of principal of and interest on this Note shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

THIS NOTE is one of a series of note (the “Note ”) dated as of August 15, 2023, of like designation, date, and tenor, except as to number, interest rate, denomination, and maturity issued pursuant to the Resolution adopted by the Board of Trustees on August 14, 2023 (the “Resolution”), in the original aggregate principal amount of \$5,000,000 for the purpose of various capital maintenance items, including: (1) roof replacement/repairs, (2)HVAC upgrades, (3) new parking lots, (4) room renovations, and (5) to pay the costs of professional services and costs of issuance of the Note.

THE Note is issued pursuant to the Resolution whereunder the Board of Trustees of the District has levied a continuing, direct, annual ad valorem tax on all taxable property within the District, within the limits prescribed by law, for each year while any part of the Note is considered outstanding under the provisions of the Resolution, in sufficient amount to pay interest on each Note as it becomes due, to provide a sinking fund for the payment of the principal of the Note when due, and to pay the expenses of assessing and collecting such tax. Reference is hereby made to the Resolution for provisions with respect to the custody and application of the District's funds, remedies in the event of a default hereunder or thereunder, and the other rights of the Registered Owner. By acceptance of this Note, the Registered Owner consents to all of the provisions of the Resolution, a certified copy of which is on file in the office of the District.

THE NOTE may be redeemed prior to their Stated Maturities, at the option of the District, on any date, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest thereon to the date of redemption. The District shall give notice of its direction to redeem this Note to the Paying Agent/Registrar and the Registered Owner of this Note no later than thirty (30) days prior to the date fixed for optional redemption. The Paying Agent/Registrar shall give notice of such prepayment to the Registered Owner by mailing such notice by first class United States mail, postage paid, at least 20 days prior to the prepayment date, to the record address of the Registered Owner. Such notice shall state the prepayment date, the prepayment amount (including any accrued interest), and the place of prepayment. Failure of the Paying Agent to give (or to properly give) such notice of prepayment to the Registered Owner shall not affect the validity of the prepayment.

IF THIS NOTE (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Note (or the principal portion thereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefore, provided moneys for

the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

THIS NOTE IS TRANSFERABLE OR EXCHANGEABLE only upon presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar. If this Note is being transferred, it shall be duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner, or his authorized representative, subject to the terms and conditions of the Resolution. If this Note is being exchanged, it shall be in the principal amount of \$5,000 or any integral multiple thereof, subject to the terms and conditions of the Resolution. The Registered Owner of this Note shall be deemed and treated by the District and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Note to the extent of such payment, and the District and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

ANY ACCRUED INTEREST DUE at maturity of this Note shall be paid to the Registered Owner upon presentation and surrender of this Note for payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The District covenants with the Registered Owner of this Note that on or before each principal payment date, Interest Payment Date, and accrued Interest Payment Date for this Note, it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Resolution, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Note, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, or the United States Postal Service is not open for business, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close, or the United States Postal Service is not open for business; and payment on such date shall have the same force and effect as if made on the original date payment was due.

ALL NOTE OF THIS SERIES are issuable solely as fully registered Note, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Resolution, this Note, or any unredeemed portion hereof, may, at the request of the Registered Owner, or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered Note, without interest coupons, payable to the appropriate Registered Owner, assignee, or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee, or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Resolution. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Note or any such portion or

portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note or any portion or portions hereof from time to time by the Registered Owner. The person requesting such transfer and exchange shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring and exchanging any Note or portion thereof. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the person requesting such assignment, transfer, or exchange, as a condition precedent to the exercise of such privilege. The foregoing notwithstanding, in the case of the exchange of a portion of a Note which has been redeemed prior to maturity, as provided herein, and in the case of the exchange of an assigned and transferred Note or Note or any portion or portions thereof, such fees and charges of the Paying Agent/Registrar will be paid by the District.

IN THE EVENT OF A NON-PAYMENT OF INTEREST on a scheduled payment date and for 30 days thereafter, a new Record Date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the District. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of the Registered Owner appearing on the Register of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

IN THE EVENT any Paying Agent/Registrar for the Note is changed by the District, resigns, or otherwise ceases to act as such, the District has covenanted in the Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners.

IT IS HEREBY CERTIFIED, COVENANTED, AND REPRESENTED that all acts, conditions, and things necessary to be done precedent to the issuance of the Note in order to render the same legal, valid, and binding obligation of the District have happened and have been accomplished and performed in regular and due time, form, and manner, as required by law; that provision has been made for the payment of the principal of and interest on the Note by the levy of a continuing, direct, annual ad valorem tax upon all taxable property within the District, within the limits prescribed by law; and that issuance of the Note does not exceed any constitutional or statutory limitation.

BY BECOMING the Registered Owner of this Note, the Registered Owner thereby acknowledges all of the terms and provisions of the Resolution, agrees to be bound by such terms and provisions, and agrees that the terms and provisions of this Note and the Resolution constitute a contract between each Registered Owner and the District.

IN WITNESS WHEREOF this Note has been signed with the manual or facsimile signature of the President of the Board, countersigned with the manual or facsimile signature of the Secretary

of the Board, registered by the manual or facsimile signature of the Treasurer of the Board, and the official seal of the District has been duly impressed, or placed in facsimile, on this Note.

KILGORE JUNIOR COLLEGE DISTRICT

COUNTERSIGNED:

Board Secretary
Kilgore Junior College District

Board President
Kilgore Junior College District

REGISTERED:

Board Treasurer
Kilgore Junior College District

[DISTRICT SEAL]

FORM OF REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS*

*Print on or attach to Initial Note only

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____
STATE OF TEXAS:

I HEREBY CERTIFY THAT there is on file and of record in my office an opinion to the effect that the Attorney General of the State of Texas has examined and finds that this Note has been issued in conformity with the laws of the State of Texas and is a valid and binding obligation of Kilgore Junior College District and further that this Note has been registered this day by me.

WITNESS my signature and seal of office this _____.

(COMPTROLLER'S SEAL)

Comptroller of Public Accounts of
the State of Texas

FORM OF AUTHENTICATION CERTIFICATE**

**Print on Definitive Note only

AUTHENTICATION CERTIFICATE

This Note is one of the Note described in and delivered pursuant to the within-mentioned Resolution, and this Note has been issued in conversion of and exchanged for, or replacement of, a Note, Note, or a portion of a Note or Note, which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Registration Date: _____

By: _____
Authorized Signature

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto _____
(Please print or typewrite name and address, including zip code, of Transferee) (Please insert Social Security or Taxpayer Identification Number)
the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined by SEC Rule 17 Ad-15 (17 CFR 240-17 AD-15).

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

(b) *Form of Initial Note.* The Initial Note shall be in the form set forth above, except the following shall replace the heading and the first two paragraphs:

NO. I-1

\$5,000,000

United States of America
State of Texas
KILGORE JUNIOR COLLEGE DISTRICT
MAINTENANCE TAX NOTE

SERIES 2023

DATED DATE: August 15, 2023

INITIAL DATE OF DELIVERY: _____, 2023

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: FIVE MILLION DOLLARS

KILGORE JUNIOR COLLEGE DISTRICT (the “District”), a political subdivision of the State of Texas, promises to pay to the Registered Owner, specified above, or registered assigns (the “Registered Owner”), on February 15 in each of the years, and bearing interest at per annum rates in accordance with the following schedule:

<u>YEARS OF STATED MATURITIES</u> yyyy	<u>PRINCIPAL INSTALLMENTS</u> \$ _____	<u>INTEREST RATES</u> _____ %
---	---	--------------------------------------

upon presentation and surrender of this Note to _____, or its successor (the “Paying Agent/Registrar”), at its Designated Payment/Transfer Office in _____, Texas, the Principal Amount, specified above, in lawful money of the United States of America, and to pay interest thereon at the Interest Rate, specified above, calculated on the basis of a 360-day year of twelve 30-day months, from the Initial Date of Delivery or the most recent date to which interest has been paid or duly provided for. Interest on this Note is payable on February 15, 2024 and on each February 15 and August 15 thereafter, mailed to the Registered Owner of record as shown on the Register kept by the Paying Agent/Registrar, as of the date which is the last business day of the month next preceding the Interest Payment Date (the “Record Date”), or in such other manner as may be acceptable to the Registered Owner and the Paying Agent/Registrar.

EXHIBIT B

Paying Agent/Registrar Agreement

(See Tab __ for Complete Copy)

EXHIBIT C

Purchase and Investment Letter

(See Tab __ for Complete Copy)

Recommendation for the approval of Gans & Smith Insurance Agency, Inc. as Commercial Insurance Provider for Kilgore College.

Background

Kilgore College's (KC) Office of Procurement Services issued a request for proposals (RFP) for commercial insurance providers (RFP 2022ComIns005). The RFP was open from April 23, 2023 to July 11, 2023. KC received one response from Gans & Smith Insurance Agency, Inc., KC's current commercial insurance provider.

The historic and proposed rates are presented below:

Insurance Premium Analysis - Gans & Smith Insurance Agency

	FY2021	FY2022	FY2023	FY2024	1 Year % Change	2 Year % Change	3 Year % Change
General Liability	11,000	11,000	11,153	15,182	36.12%	38.02%	38.02%
Legal Liability	25,361	25,842	25,839	26,670	3.22%	3.20%	5.16%
Law Enforcement	6,156	6,156	6,156	6,926	12.51%	12.51%	12.51%
Auto Insurance	20,695	25,529	34,773	37,422	7.62%	46.59%	80.83%
Property Insurance	311,669	367,987	482,042	596,373	23.72%	62.06%	91.35%
Crime	3,201	3,201	3,201	3,201	0.00%	0.00%	0.00%
Total	378,082	439,715	563,164	685,774	21.77%	48.95%	81.38%
Wind & Hail Deductible	150,000	300,000	500,000	500,000			

Recommendation

Recommend the approval of Gans & Smith Insurance Agency, Inc. as Commercial Insurance Provider for Kilgore College.

Future Requests for Proposals

Based on the limited responses and the input from bidders, KC will issue future RFP's for commercial insurance with a longer time to respond.



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

	FY 2022 Actual	May 31, 2023	Budget Variance	FY 2023 Budget	% of Annual Budget
Credit Tuition					
In-District Tuition	\$1,236,829.95	\$1,112,149.35	(\$287,851)	\$1,400,000	79%
Out of District Tuition	\$3,387,793.40	\$2,701,980.00	(\$508,020)	\$3,210,000	84%
Out of State Tuition (Texas Non-Resident)	\$407,467.85	\$310,431.70	(\$74,568)	\$385,000	81%
Early Admission/Dual Credit	\$1,860,145.65	\$1,799,005.45	(\$206,495)	\$2,005,500	90%
Total Credit Tuition:	\$6,892,236.85	\$5,923,566.50	(\$1,076,934)	\$7,000,500	85%
Course and Special Fees					
General Education Fee	\$2,942,638.10	\$2,816,271.65	(\$523,728)	\$3,340,000	84%
Out of District Fee	\$4,528,560.45	\$4,260,114.50	(\$844,886)	\$5,105,000	83%
Course Fees	\$2,234,456.85	\$1,793,860.55	\$593,861	\$1,200,000	149%
All Other Fees	\$157,872.36	\$783,855.09	(\$1,642,885)	\$2,426,740	32%
Total Course and Special Fees:	\$9,863,527.76	\$9,654,101.79	(\$2,417,638)	\$12,071,740	80%
State Appropriations					
State Appropriations - Formula Funding	\$9,654,902.00	\$6,903,254.00	(\$2,751,649)	\$9,654,903	71%
State Appropriations - Teacher Retirement System TRS/ORP	\$112,978.88	\$78,446.46	(\$11,554)	\$90,000	87%
Total State Appropriations:	\$9,767,880.88	\$6,981,700.46	(\$2,763,203)	\$9,744,903	72%
District Ad-Valorem Property Taxes					
Property Tax Revenues M&O	\$6,619,702.90	\$6,547,690.09	\$49,631	\$6,498,059	101%
Property Tax Revenues I&S		\$990,109.81	(\$59,612)	\$1,049,722	94%
Delinquent Tax Collections	\$189,701.61	\$118,971.85	(\$36,028)	\$155,000	77%
Total Ad-Valorem Tax Collections:	\$6,809,404.51	\$7,656,771.75	(\$46,009)	\$7,702,781	99%
Other Revenue from Operations					
Indirect Cost Recovery (from grants/contracts)	\$61,337.33	\$53,842.05	\$11,342	\$42,500	127%
Interest/Investment Income	\$230,676.28	\$1,083,593.67	\$858,594	\$225,000	482%
Continuing Education	\$2,550,424.52	\$1,981,590.35	(\$518,410)	\$2,500,000	79%
Other Revenue from Operations	\$2,519,951.72	424,609.48	\$165,559	\$259,050	164%
KC Plant Fund Reserves for Capital Improvements	\$0.00	\$11,367,450.00	\$0	\$11,367,450	100%
Total Other Revenue from Operations:	\$5,362,389.85	\$14,911,085.55	\$517,086	\$14,394,000	104%
Total Revenues	\$38,695,439.85	\$45,127,226.05	(\$5,786,698)	\$50,913,924	89%
Operating Expenses					
Salaries & Wages	\$17,916,030.36	\$13,848,906.71	\$7,603,644	\$21,452,551	65%
Employee Benefits	\$2,423,071.88	\$1,890,594.47	\$1,038,018	\$2,928,612	65%
Other Operating Expenses	\$14,088,566.89	\$10,764,935.96	\$2,360,669	\$13,125,605	82%
Debt Service - SECO Loans		\$787,423.77	\$262,298	\$1,049,722	75%
Capital Budget		\$4,700,859.00	\$7,304,591	\$12,005,450	39%
TASB Salary Study		\$0.00	\$100,000	\$100,000	0%
Total Expenses	\$34,427,669.13	\$31,992,719.91	\$18,669,220	\$50,661,940	63%
Net Income/(Loss)	\$4,267,770.72	\$13,134,506.14	\$12,882,522	\$251,984	



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

	FY 2022 Actual	May 31, 2023	Budget Variance	FY 2023 Budget	% of Annual Budget
Student Housing Revenues	\$2,170,945	\$2,307,674.79	(\$132,481)	\$2,440,156	94.6%
Student Housing Expenses	\$1,657,514	\$1,326,984.42	\$358,821	\$1,685,805	78.7%
Net Student Housing Activity	\$513,431	\$980,690.37	(\$491,302)	\$754,351	
Bookstore Revenues	\$1,514,518	\$1,603,436.90	(\$973,063)	\$2,576,500	62.2%
Bookstore Expenses	\$1,692,448	\$1,451,120.00	\$607,282	\$2,058,402	70.5%
Net Bookstore Activity	(\$177,930)	\$152,316.90	(\$1,580,345)	\$518,098	
Rangerette Showcase Revenues	\$88,209	\$62,864.08	(\$25,036)	\$87,900	71.5%
Rangerette Showcase Expenses	\$51,374	\$47,663.09	\$2,190	\$49,853	95.6%
Net Rangerette Showcase Activity	\$36,835	\$15,200.99	(\$27,226)	\$38,047	
Parks Fitness Center Revenues	\$17,164	\$26,416.93	(\$188,983)	\$215,400	12.3%
Parks Fitness Center Expenses	\$113,513	\$130,960.75	\$83,751	\$214,712	61.0%
Net Parks Fitness Center Activity	(\$96,349)	(\$104,543.82)	(\$272,734)	\$688	
East Texas Oil Museum Revenues	\$173,819	\$123,044.37	(\$59,965)	\$183,009	67.2%
East Texas Oil Museum Expenses	\$162,818	\$121,080.33	\$49,615	\$170,695	70.9%
Net East Texas Oil Museum Activity	\$11,001	\$1,964.04	(\$109,579)	\$12,314	
Theater Revenues	\$10,989	\$15,818.42	\$818	\$15,000	105.5%
Theater Expenses	\$22,021	\$23,967.87	(\$8,943)	\$15,025	159.5%
Net Theater Activity	(\$11,032)	(\$8,149.45)	\$9,761	(\$25)	
Printshop Revenues	\$211,795	\$169,351.88	(\$255,648)	\$425,000	39.8%
Printshop Expenses	\$228,943	\$564,982.50	(\$146,549)	\$418,434	135.0%
Net Printshop Activity	(\$17,148)	(\$395,630.62)	(\$109,100)	\$6,566	
Athletics Revenues	\$79,140	\$75,327.80	\$30,284	\$45,044	167.2%
Athletics Expenses	\$1,595,954	\$1,511,329.27	\$115,738	\$1,627,067	92.9%
Net Athletics Activity	(\$1,516,814)	(\$1,436,001.47)	(\$85,454)	(\$1,582,023)	
Total Net Auxiliary Services Activity:	(\$1,258,006)	(\$794,153.06)	(\$2,665,979)	(\$251,984)	



Kilgore College
 May 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	% Completion	Phase
KCPD Squad Vehicle	-	-	46,000	-	46,000	0%	0%	100%	0%	Pending possible grant
KCPD Radio	60,627	-	61,000	60,627	373	99%	99%	1%	100%	Complete
KCPD Bodycam	5,880	-	30,000	5,880	24,120	20%	20%	80%	100%	Complete
CDL Relocate & Trucks	53,775	1,743	1,711,375	55,518	1,655,857	3%	3%	97%	0%	Planning and bidding
LV Reno Machining	92,241	1,050	400,000	93,291	306,709	23%	23%	77%	35%	Renovation in process
Rad Tech Table	40,000	-	40,000	40,000	-	100%	100%	0%	100%	Complete - Installation
Fine Arts Roof	108,500	-	125,000	108,500	16,500	87%	87%	13%	100%	Complete
Fine Arts HVAC	-	-	45,000	-	45,000	0%	0%	100%	0%	Planning
Old Main Class Upgrades	362,375	133,711	710,000	496,085	213,915	51%	70%	30%	50%	Renovation in process
Print Shop HVAC/Siding	85,966	-	300,000	85,966	214,034	29%	29%	71%	90%	To be complete 5-11-2023
ATC Chiller	-	-	175,000	-	175,000	0%	0%	100%	50%	Equipment ordered
PE Complex Chiller	-	-	150,000	-	150,000	0%	0%	100%	50%	Equipment ordered
Rangerette Gym Canopies	6,752	-	45,000	6,752	38,248	15%	15%	85%	100%	Complete
ATC Roof	307,610	-	323,000	307,610	15,390	95%	95%	5%	100%	Complete
Stark Hall Renovations	2,026,304	-	2,538,625	2,026,304	512,321	80%	80%	20%	60%	Renovation in process
Pedestrian Bridge	1,414,325	-	5,305,450	1,414,325	3,891,125	27%	27%	73%	25%	Renovation in process
Total	\$ 4,564,356	\$ 136,503	\$ 12,005,450	\$ 4,700,859	\$ 7,304,591					



TO: Board of Trustees
Kilgore College

DATE: June 15, 2023

RE: Investment Reporting

The Statement of Cash and Investments as of May 31, 2023 along with the corresponding Schedule of Cash and Investments as of May 31, 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.

Brenda S. Kays, President

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

Terry Hanson, Chief Financial Officer/ VP of Administrative Services

Kilgore College
Statement of Cash and Investments
May 31, 2023

	February 28, 2023 Book Value	February 28, 2023 Market Value	Change	May 31, 2023 Book Value	May 31, 2023 Market Value
Total Cash and Investments					
Bank Deposits (Cash)	\$ 33,206,652	\$ 33,206,652	\$ (8,754,288)	\$ 24,452,364	\$ 24,452,364
Certificate of Deposits	7,799,936	7,799,936	104,988	7,904,924	7,904,924
TexPool	180,303	180,303	2,822	183,125	183,125
TOTAL CASH AND INVESTMENTS	<u>\$ 41,186,891</u>	<u>\$ 41,186,891</u>	<u>\$ (8,646,478)</u>	<u>\$ 32,540,413</u>	<u>\$ 32,540,413</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 May 31, 2023 was \$23,263,534.12

Kilgore College
Schedule of Cash and Investments
May 31, 2023

FUND	Maturity Date	Rate	Operating	Restricted	Endowment	Plant Reserve	Bond Reserve	Agency	Accrued Interest	Totals
BALANCE AS OF 02/28/2023			\$ 35,123,398	\$ 1,460,706	\$ -	\$ 3,447,257	\$ 1,148,416	\$ -	\$ 7,113	\$ 41,186,891
Bank Deposits (Cash)		5.09%	\$ 22,833,517	\$ 364,202	\$ -	\$ 50,000	\$ 1,204,644	\$ -		\$ 24,452,364
Certificates of Deposit										
Operating Reserves CD (91 days) established 11/29/2012	8/17/2023	5.31%	4,512,443						8,534	
Plant Fund Reserve CD (91 days) established 9/15/2010	8/30/2023	5.55%	1,138,000			2,245,946			-	
Total Certificates of Deposit			5,650,443	-	-	2,245,946	-	-	8,534	7,904,924
TexPool			127,290			55,835				183,125
Total Cash and Investments			<u>\$ 28,611,251</u>	<u>\$ 364,202</u>	<u>\$ -</u>	<u>\$ 2,351,781</u>	<u>\$ 1,204,644</u>	<u>\$ -</u>	<u>\$ 8,534</u>	<u>\$ 32,540,413</u>

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

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

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

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: B LOCAL GOVERNANCE

Policy: BBB Board Members - Elections

Summary of LOCAL Policy:

This policy was originally approved by the Kilgore College Board of Trustees on 02/27/2023. The policy was revised by TASB on 01/05/2023 and split into three additional policies (BBBA, BBBB, and BBBC). This summary reflects the 01/05/2023 TASB update.

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

Procedures:

- The Kilgore College Board of Trustees consists of nine members. The general election of Board members shall take place on the May uniform election date in odd-numbered years. The members serve six-year terms and represent their local communities. There are three voting zones (North, Central and South) and one member from each zone is elected during each May election.
- The Board appoints the Board Recording Secretary as the Election Officer for the Kilgore College Board election.

BOARD MEMBERS
ELECTIONSBBB
(LEGAL)**General Election
Dates**

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

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

Election Code 41.001

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

**Publication of
Election Date and
Location Online**

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website shall post on a publicly accessible internet website the date and location of the next election for officers of the political subdivision. [See also BBBA] *Gov't Code 2051.201(a), (b)(3)*

**Joint Elections
Administrator**

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

Membership

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

Weatherford
College

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

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

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

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

Education Code 130.0828(a)–(d)

Increase in
Membership

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

*Trinity Valley
Community
College*

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

Terms

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

Methods of Election

Members of a board shall be elected at-large from each junior college district at regular elections to be called and held by the board for such purpose, except as otherwise provided by law. *Education Code 130.082(f), (h)*

At-Large Positions

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

The board shall designate a number for the position held by each member of the board. At each election, candidates shall be voted upon and be elected separately for each position on the board. *Education Code 130.082(g)*

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

Single-Member
Districts Generally

Board Order

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

Trustee Districts

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

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

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

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

Education Code 130.0822(d)–(h)

Redistricting

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

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

Education Code 130.0822(j)–(k)

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

If the board of trustees provides for the trustees in office to serve for the remainder of their terms in accordance with Section 130.0826, the trustee districts established by the redistricting plan shall be filled as the staggered terms of trustees in office expire. When the board of trustees adopts a redistricting plan, the board shall determine from which new trustee district the position of each trustee in office will be filled as it becomes vacant.

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

Education Code 130.0826

Applicability

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

*Single-Member
Districts in
Certain Counties*

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

Certain College
Districts

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

The board of trustees of a district with a population greater than one million may require that an application filed by a person desiring election to a numbered position on the board be accompanied

by a filing fee not to exceed \$200 or, instead of the filing fee, a petition signed by a number of registered voters of the district not to exceed 200 as determined by the board.

Education Code 130.044(g), .0823

Paris Junior College

In accordance with Education Code 130.0829, the governing board of the Paris Junior College District may provide by resolution or order of the board for the election of nine board members, eight members elected from respective commissioner precincts and evenly allocated among those precincts and one member elected at large. *Education Code 130.0829*

**Boundary Change
Notice**

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

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

Election Code 42.0615

**Notice of Voting
Rights**

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

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

Election Code 31.0055, 62.0115

**Delivery or
Submission of
Election Documents**

Unless otherwise provided by the Election Code, when the Election Code provides for delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under the Election Code, a delivery, submission, or filing with an employee of the authority at the au-

thority's usual place for conducting official business constitutes filing with the authority. The authority to whom a delivery, submission, or filing is required by the Election Code to be made may accept the document or paper at a place other than the authority's usual place for conducting official business.

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

Election Code 1.007

BOARD MEMBERS
ELECTIONSBBB
(LOCAL)

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

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: B LOCAL GOVERNANCE

Policy: BDB Board Meetings - Public Participation

Summary of LOCAL Policy:

This policy outlines procedures for public participation during the public comment portion of a Kilgore College Board of Trustees' meeting.

Procedures:

- The procedures for public participation are outlined in the Kilgore College Board of Trustees Procedure Manual. An affirmative vote of the Board for this policy will serve as an affirmative vote to update the Board of Trustees Procedure Manual so that the procedure manual will reflect current Board policy. KC is now in congruence with this policy.
- The Board utilizes the attached "Public Participation" Form during its Board meetings to facilitate public participation at its meetings

**United States
Constitution**

A governmental entity, including a college district, shall take no action abridging the freedom of speech or the right of the people to petition the governing board of the entity for redress of grievances. *U.S. Const. Amend. I, XIV*

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

A governing board may create a limited public forum for the purpose of hearing comments from the public so long as:

1. The governing board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The governing board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010)

Texas Constitution

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

Response to
Complaints

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

Public Comment

A governmental body, including a college district, shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

Gov't Code 551.007(b)

Meeting Notice	The term “public comment” provides sufficient notice, under the Open Meetings Act (OMA), of the subject matter of public comment sessions where the general public addresses the board about its concerns and where the board does not comment or deliberate except as authorized by Government Code 551.042. The term “public comment” is not adequate notice if, prior to the meeting, the board is aware, or reasonably should have been aware, of specific topics to be raised. <i>Gov’t Code 551.042; Atty. Gen. Op. JC-169 (2000)</i>
Reasonable Rules	A governmental body may adopt reasonable rules regarding the public’s right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item. [See DGBA, FLD, and GB regarding grievance procedures] <i>Gov’t Code 551.007(c); Atty. Gen. Op. KP-300 (2020)</i>
Additional Time for Translation	If a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, a rule adopted that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body. <i>Gov’t Code 551.007(d)</i>
Public Criticism	A governmental body may not prohibit criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This restriction does not apply to public criticism that is otherwise prohibited by law. <i>Gov’t Code 551.007(e)</i>
Disruption	A person commits an offense if, with intent to prevent or disrupt a lawful meeting, the person substantially obstructs or interferes with the ordinary conduct of the meeting by physical action or verbal utterance and thereby curtails the exercise of others’ First Amendment rights. <i>Penal Code 42.05; <u>Morehead v. State</u>, 807 S.W.2d 577 (Tex. Crim. App. 1991)</i>

BOARD MEETINGS
PUBLIC PARTICIPATION

BDB
(LOCAL)

**Limit on
Participation**

Audience participation at a Board meeting is limited to the portion of the meeting designated to receive public comment in accordance with this policy. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

Public Comment

At all Board meetings, public comment shall be limited to items on the agenda posted with notice of the meeting.

Procedures

Individuals who wish to participate during the portion of the meeting designated for public comment shall sign up with the presiding officer or designee before the meeting begins as specified in the Board's procedures on public comment and shall indicate the agenda item or topic on which they wish to address the Board.

Public comment shall occur at the beginning of the meeting.

Except as permitted by this policy and the Board's procedures, an individual's comments to the Board shall not exceed three minutes per meeting.

Meeting
Management

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the presiding officer may make adjustments to public comment procedures, including:

- Adjusting when public comment will occur during the meeting;
- Reordering agenda items; and
- Continuing agenda items to a later meeting.

However, public comment on agenda items shall not be moved after the agenda items have been heard. The presiding officer may also provide expanded opportunity for public comment, establish an overall time limit for public comment, and adjust the time allotted to each speaker. However, no individual shall be given less than one minute to make comments.

Board's Response

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

**Complaints and
Concerns**

The presiding officer or designee shall determine whether an individual addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the Board shall hear the complaint or concern and refer the individual to the appropriate policy (see list below) to seek resolution:

- Employee complaints: DGBA

- Student complaints: FLD
- Public complaints: GB

Disruption

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.



Board of Trustees
Procedure Manual

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1. TRUSTEES:

1.1 Oath of Office

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS, I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Kilgore College Trustee of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

1.2 Trustee Roles and Responsibilities

Trustees are responsible for ensuring that the college is an integral part of the communities that it serves. They are tasked with recognizing the ever-changing educational needs of the residents from those communities. They are accountable to the residents of those communities for the performance and welfare of the institution that they govern. The Board of Trustees exists to represent the general public and advocate for quality educational programming for students. Trustees discuss multiple viewpoints and issues in public, and have strategies to include the public in the policy-making process.

Effective Trustees and Boards:

- Focus on student success
- Know community needs and trends
- Seek out and consider multiple perspectives when making policy decisions
- Debate and discuss issues in public
- Serve the public good

Collectively, Trustees form a Board of Trustees. As stewards of the institution, the Board of Trustees advance the mission of the college through policy. Individual Trustees have specific responsibilities to contribute to the effective function of the Board of Trustees as a whole. Trustees are visionary and thoughtful leaders. They understand the college culture and programs, and support the college's pursuit of its mission. Trustees act with integrity and respect, and use their influence appropriately. They avoid situations where there are actual or perceived conflicts of interest. Wise Trustees work together as a team to guide their college to excellence and success.

1.1.1 Act as a Unit

The Board is a corporate body. It governs as a unit with one voice. This principle means that individual Trustees have authority only when they are acting as a Board. They have no power to act on their own or to direct college employees or operations. The power of governance is expressed through one voice. As individuals, Trustees make no commitments of behalf of the Board to constituents, nor do they criticize or work against Board decisions.

In order for Boards to be cohesive and well-functioning units, Trustees must work together as a team toward common goals. Boards have structures and rules for operating that ensure they conduct their business effectively and efficiently, that

Board agendas are clear and informative and Board meetings are run in an appropriate manner.

1.1.2 Commitments

All members of the Board should regularly attend Board meetings and make a serious commitment to actively participate in the deliberations of the Board. All Board members have a responsibility to stay informed about matters that come before the Board; they must prepare themselves for meetings and review and comment on minutes and reports.

Board members should be willing to volunteer for and accept assignments made to them by the Board President and they should strive to complete those assignments completely and on time. Board members should be willing to serve on a committee and to stay informed about the committee matters. Members should strive to know all members of the Board and build a working relationship that leads to a collegial working environment. Members should participate actively in the evaluations of the President, and the Board, and in Board retreats. The Board may also be asked to participate in fundraising and in college events.

1.3 Trustee Job Description

The Governing Board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer. The Board will exercise its control of the college through the President. The President will perform such duties and functions as may be assigned to him/her by the Board of Trustees and will have full authority and responsibility for the administration, management, operation, and development of the college under policies, rules, and regulations adopted by the Board of Trustees and within budgets approved by the Board of Trustees. The President will serve at the pleasure of the Board of Trustees according to the terms of his/her contract of employment with the Board of Trustees.

Trustees, as the governing body of the institution, have the legal authority and responsibility over the key areas of: Institutional Mission, Fiscal Stability of the Institution, and Institutional Policy.

1.3.1 Institutional Mission

The Board is responsible for the annual review and approval of the Kilgore College Mission Statement. Staff present the document to the Board, with any suggested revisions, and the Board reviews the Mission and approves any changes deemed warranted. This responsibility involves a concentration on the “big picture” and a focus on the future educational needs of the constituents served by the institution.

This responsibility challenges the Board to think strategically and reflects the important role that the Board plays in the development, implementation, and evaluation of the institution’s Strategic Plan. The institution’s mission statement guides the strategic direction of the college in accordance with the unique needs of the communities and constituents served by the institution. Progress on the outcomes associated with the Strategic Plan are formally reviewed on an annual basis and are a component of the President’s Evaluation.

1.3.2 Fiscal Stability of the Institution

The Board is responsible for the review and approval of the Kilgore College Budget. Initially, staff present a draft budget document to the Investment, Finance, and Audit Committee for feedback. Suggested revisions are incorporated and the draft budget is then delivered to the entire Board during a budget workshop. Revisions from the workshop are incorporated and the document is then brought before the Board at its regularly called meeting in August of each fiscal year for official approval. The Board further exercises its responsibility for the fiscal stability of the institution as, after the budget is approved and in support of the budget, it sets the annual tax rate for its taxing district at its September meeting.

1.3.3 Institutional Policy

The Board of Trustees collectively formulates and establishes policy and designates policy administration to the President and college staff. In addition, the President and college staff may propose new or revised policy to the Board of Trustees for consideration.

1.4 Trustee Orientation Training

Each member of a governing Board will attend training as required by state law. All training certificates must be maintained by both the Trustee and in the KC President's Office, and should be available for public inspection upon request.

Additionally, in order to further acquaint new Trustees with the Institution, the President's Office provides a comprehensive orientation and campus tour.

During the first year of service as a Trustee, regardless of being elected or appointed, all Board members must attend a training program that focuses on the official role and duties of the members of governing boards and provides training in the areas of budgeting, policy development, and governance. Attendance at the day-long session, offered annually in the fall as part of the THECB annual Higher Education Leadership Conference, satisfies this legal requirement. Videos from the conference are also available online approximately one month after the Leadership Conference for those who are unable to attend the conference in person. Satisfactory completion of an assessment test (70%) subsequent to watching the videos satisfies this legal requirement. (*Texas Education Code, Section 61.084*)

1.4.1 Texas Open Government Laws

The Texas Open Meetings Act (*Government Code 551.005*) and the Public Information Act (*Government Code 552.012*) impose mandatory open government educational requirements on elected and appointed officials. Trustees have 90 days to complete Open Government training required by state law.

The Office of the Attorney General offers free online training courses to ensure that all government officials have a good command of both open records and open meetings laws. Upon completion of the online training, members will receive a

code to access a Certificate of Completion. After printing the certificate, Trustees will submit it to the Executive Aide to the President.

<https://www.texasattorneygeneral.gov/media/videos/play.php?image=2005openrecords&id=150>

<https://www.oag.state.tx.us/media/videos/play.php?image=2005openmeetings&id=149>

1.4.2 Public Funds Investment Act Training

Elected and appointed Trustees must attend at least one training session relating to his/her responsibilities within six months of taking office.

Training under this section must include education in investment controls, security risks, strategy risks, market risks, and diversification of investment portfolio. Training may be satisfied by viewing the Public Funds Investment Act DVD (provided by the college President's Office). Trustees must sign the "Protecting Public Funds: Your Responsibilities under the Public Funds Investment Act" acknowledgement form and submit it to the Executive Aide to the President. (*Government Code 2256.007*)

1.4.3 Best Practices

New Trustees are required to attend sessions for best practices in campus financial management, financial ratio analysis, and case studies using financial indicators. These sessions provided by the Texas Higher Education Coordinating Board satisfy the training requirement for newly appointed and elected Trustees. (*Education Code 61.084*)

1.5 Trustee Conflicts of Interest

Elected and appointed Trustees will complete a "Local Government Officer Conflicts Disclosure Statement" kept on file in the college President's office. This form will be used to disclose areas of possible conflict of interest where the Trustee must abstain from participation. This form will be updated annually in June, is available for public inspection upon request, and will also be posted on the Board website. (*Local Government Code 171*)

Kilgore College Trustees will not accept or solicit any gift, favor, service or benefit that the Trustee should reasonably know is offered with the intent to influence their decisions or actions. Likewise, the Trustee will not solicit, accept, or agree to accept any unauthorized gifts, services, or other benefits from having exercised the powers and responsibilities of their official positions. Strict adherence to these tenets protects and preserves Kilgore College's independence from outside pressure.

Trustees of Kilgore College will not accept gifts, either in-kind or of money, or excessive entertainment, from a vendor.

- a. Gifts include any items not obviously of an advertising nature. Gifts of an advertising nature are those with the name of the firm affixed which have an estimated value of \$50.00 or less. (*Texas Penal Code 36.10.a.6*)

- b. Excessive entertainment will include, but not be restricted to, transportation beyond district boundaries, and overnight accommodations.

The Trustee will not solicit an employee for favors, services or other benefits as those will constitute a conflict of interest between the Trustee and the employee.

- a. A Trustee must be very careful in any business dealings (outside of college business) with either the college President, college administration, or their immediate family members so that any conflict of interest or perceived conflict of interest is avoided.

A Trustee who believes he or she has or may have a conflict of interest will file the updated conflicts disclosure statement with the Assistant to the President not later than 5 p.m. on the seventh business day after the date on which the Trustee becomes aware of the facts that require the filing of the statement. (*Local Government Code 176.003 (a)*) That Trustee will also notify the Executive Committee of the Board and will recuse himself/herself from any discussion, deliberation, and vote related to this conflict.

In addition to complying with these statutes and guidelines, Trustees will attempt to avoid even the appearance of impropriety during their service on the Board.

1.6 Removal of Trustees from Office

Board members may be removed from office for:

- Attendance: It is a ground for removal of a member of the Board of Trustees of a junior college district that the member is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the Board.
- Incompetence: which means:
 - Gross ignorance of official duties.
 - Gross carelessness in the official discharge of those duties.
 - Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
- Official misconduct: Intentional or unlawful behavior relating to official duties as a Trustee entrusted with the administration of justice or execution of the law.
- Conviction by a legal court-of-law for public intoxication or DWI/DUI.
- Conviction of a Trustee by a jury for any felony or for misdemeanor official misconduct.

Actions for the removal of Board members must be brought before the judge of the district court holding jurisdiction, except that any court convicting a Trustee of a felony or official misconduct will order immediate removal. (*Local Government Code 87.011, 87.012, 87.013, 87.031; Education Code 44.032 (e)*)

2. THE BOARD

2.1 Board Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of Kilgore College Trustee, a person must:

- Be a qualified (registered) voter in the voting unit to be represented.
- Reside in the voting unit to be represented.
- Take the official oath of office.
- Serve without compensation.

(Education Code 130.082 (d))

A Trustee vacates the office if he or she ceases to reside in the Trustee district he or she represents. *(Education Code 130.0822 (h))*

2.2 Board Vacancies

Any vacancy occurring on the Board through death, resignation, or otherwise, will be filled by a special election ordered by the Board or by appointment by resolution or order of the Board. A person appointed to fill a vacancy in a Trustee district must be a resident of that Trustee district.

(Education Code 130.082 (d))

If a Board seat becomes vacant during its prescribed term, the Board will usually appoint someone to the position. An appointment to the Board may be made with the intent to ensure that the Board is representative of the constituency served by the Board.

The procedure is:

- The Board President will appoint an ad-hoc Nominating Committee.
- The Nominating Committee will advertise for the open position. Any qualified applicant from the correct voting unit can be nominated and apply for the position.
- The Nominating Committee will review the list of applicants. They can request resumes, references, etc. They will interview applicants and may go through any steps they deem appropriate. When they have one preferred nominee they will present that person to the Board for discussion and a vote.
- An appointed Trustee will only serve until the next regular election. The Trustee must run for the remainder of the term for that seat in a Special Election held at the same time as the next regularly scheduled election.

NOTE: Before voting on a budgetary or personnel matter, each Trustee who holds an appointed position must complete the intensive short orientation course that includes best practices and transparency in trusteeship and governance. The THECB offers a free online Intensive Short Orientation Course. Satisfactory completion of an assessment test (70%) subsequent to completing the course satisfies this legal requirement. *(Texas Education Code, Section 61.0841)*

2.3 Board Officers

The Board will be authorized to elect a President, Vice-President and Secretary at the first regular meeting of the Board following the regular election of members, or at any time thereafter in order to fill a vacancy. (*Education Code 130.082 (d)*)

2.3.1 Board President

The Board President will preside at all meetings of the Board of Trustees and the Executive Committee, and will appoint the members of each committee except the Executive Committee, and will serve as an ex-officio member on each committee of the Board of Trustees.

The Board President has authority to sign documents on behalf of the College or the Board as long as the document has been approved by the Board or is otherwise required to be signed on behalf of the College by the Board. If the Board President is physically absent from a board meeting or otherwise, then this authorization to sign on behalf of the College or Board is given to the Vice President and/or Secretary of the Board of Trustees and applies to any and all documents approved by the Board or is otherwise required to be signed on behalf of the College by the Board.

2.3.2 Board Vice-President

The Board Vice-President will preside at all meetings of the Board of Trustees and the Executive Committee in the absence of the Board President, and will perform all functions of the Board President during his/her absence.

2.3.3 Board Secretary

The Board Secretary will oversee the keeping and attest to the accuracy of the minutes of meetings of the Board of Trustees. The Assistant to the President will serve as the recording secretary to the Board.

2.4 Election of Officers

In April of each biennium (election year), the Kilgore College Board President will appoint a three person ad-hoc Nominating Committee to bring a slate of officers for consideration to the Board of Trustees. The Board President will designate one member of the committee to serve as the committee chair. The chair of the Nominating Committee will be responsible for scheduling meeting times/dates and securing consent from potential nominees. The Nominating Committee will present the slate of nominees to the Board of Trustees during the meeting immediately following the election date.

Once the Kilgore College Board of Trustees has received the report from the Nominating Committee at its meeting, the election of officers will then be conducted. Procedurally, the Kilgore College Board President will announce each nominee individually, by office, and ask if there are any nominations from the floor. If there are nominations from the floor, the name of that nominee(s) will be added to the slate of officers presented by the ad-hoc Nominating Committee for said Kilgore College Board Officer. After all nominations from the floor have been heard, the nominations will be closed and the Kilgore College Board President will conduct

the election process for that position. The Kilgore College Board President will read who the nominee(s) for the office are and request a show of hands for each nominee. The nominee with the most votes from the Board of Trustees present at the meeting and constituting a quorum will be deemed as the elected officer. In the case where two or more nominees are slated for a particular office and the vote produces a tie, the two candidates with the most votes will be immediately placed into a run-off vote for the purpose of electing one individual to the office.

After an officer has been elected, the Kilgore College Board President will continue the election of the other officers in the manner prescribed and until all officers have been elected. Each newly elected officer will serve a two-year term and automatically become a member of the Kilgore College Board of Trustees Executive Committee. Any member of the Kilgore College Board of Trustees is eligible to serve multiple terms as an elected Board officer. Upon an officer's resignation or removal from the Kilgore College Board of Trustees, the Kilgore College Board President will appoint a member to fulfill the remainder of the officer's term.

2.5 Plan for Succession

The President of the Board of Trustees will be succeeded by the Vice-President of the Board in case the President is no longer able to perform his/her duties due to resignation, sudden incapacity or death.

2.6 Board Committees

Board Committees will meet regularly. Committees meetings will be scheduled during the months of October, November, January, March, and May. Service on a committee will mean additional meetings and Trustees may be asked to serve on more than one committee.

Committees include:

Executive Committee (President, Vice President and Secretary of the Board)

Investment, Finance & Audit Committee

Policy & Personnel Committee

Property & Facilities Committee

Student Success Committee

Other committees may be formed as needed

Board Committees always contain less than a quorum of members so they are not subject to the Open Meetings Act and committee meetings do not need to be posted. However, if the Board of Trustees grants a Committee the authority to supervise public business, or more than a quorum of members will be participating in the meeting, then that Committee meeting must be posted. (For instance, if the Committee is authorized to finalize a contract for the Board).

2.6.1 Executive Committee

Membership of this committee is composed of the officers of the Board of Trustees. The Executive Committee meets regularly with the college President and other staff as needed to review Board agenda items and to facilitate planning, coordination, and communication with the entire Board.

2.6.2 Investment, Finance & Audit Committee

The Committee will advise the college's Board of Trustees with regard to:

- any amendments or revisions of the college's investment policy
- an investment strategy for the transition of investments
- account balances and strategic budgetary advice
- structure and findings of internal and external audits

2.6.3 Policy & Personnel Committee

The Committee will advise the college's Board of Trustees with regard to:

- proposed policy
- amendments or revisions to current college policy
- amendments or revisions to Board Bylaws and Procedure Manual
- personnel issues, including the evaluation of the college President

2.6.4 Property & Facilities Committee

The Committee will advise the college's Board of Trustees with regard to:

- available and current real estate, property and facility needs
- future direction for property and facilities
- strategic facilities planning

2.6.5 Student Success Committee

The Committee will advise the college's Board of Trustees with regard to:

- student success initiatives
- data related to student success
- Guided Pathways Initiatives
- Institutional annual and strategic planning

3. MEETINGS

3.1 Regular Meeting Structure

Regular Board meetings are usually held on the second Monday of the month. According to State Statute, regular meetings of the Board of Trustees will be held no fewer than four times per year. The Kilgore College Board usually meets 7 times per year: September, December, February, April, June, July (Budget Workshop), and August. The Executive Aide to the President will forward, via email, a Trustee availability request for meetings. Trustees are asked to indicate whether they are able to attend the specified meetings. Emergency meetings are allowed as prescribed by state laws.

3.2 Notice of Regular Meetings

The place of all regular meetings of the Board will be the second floor of the Stewart McLaurin Administration Building unless the notice of the meeting indicates otherwise. The Board of Trustees will give public notice of the date, hour, place, and subject of the meeting at least 72 hours before the regularly scheduled meeting. (*Texas Government Code 551.041*).

Notice of each meeting will be posted at the Gregg County Courthouse; in a prominent place on the first floor of the McLaurin Administration Building on the KC Campus; be provided to the

general public through posting on the Kilgore College website at www.Kilgore.edu; through local media outlets including the *Flare*; and as desired at another place convenient to the public. Posting notice is mandatory, and actions taken at a meeting for which notice was posted incorrectly will be voidable. (*Texas Government Code 551.055, 551.056 and Education Code, Chapter 130*).

3.3 Special Meetings

Special Board meetings are held if needed. The Executive Aide to the President will forward, via email, a Trustee availability request for special meetings. Trustees are asked to indicate whether they are able to attend the specified meetings.

3.4 Notice of Special Meetings

The place of all special meetings of the Board will be the second floor of the Stewart McLaurin Administration Building unless the notice of the meeting indicates otherwise. The Board of Trustees will give public notice of the date, hour, place, and subject of the meeting at least 72 hours before the regularly scheduled meeting. (*Texas Government Code 551.041*).

Notice of each meeting will be posted at the Gregg County Courthouse; in a prominent place on the first floor of the McLaurin Administration Building on the KC Campus; be provided to the general public through posting on the Kilgore College website at www.Kilgore.edu; through local media outlets including the *Flare*; and as desired at another place convenient to the public. Posting notice is mandatory, and actions taken at a meeting for which notice was posted incorrectly will be voidable. (*Texas Government Code 551.055, 551.056 and Education Code, Chapter 130*).

3.5 Emergency Meetings

Emergency Meetings are allowed as prescribed by state law. Public notice of an emergency meeting must be in accordance with Texas Government Code Section 551.045. An emergency or urgent public necessity exists only if immediate action is required by the Board of Trustees because of an imminent threat to public health and safety, or a reasonably unforeseeable situation.

The Board of Trustees will clearly identify the emergency or urgent public necessity in the notice or supplemental notice. The Board of Trustees may hold a meeting by telephone conference if an emergency or urgent public necessity exists and convening at one location is difficult or impossible. The Board of Trustees determination that an emergency exists is subject to judicial review. The existence of an emergency depends on the facts in a given case.

3.6 Notice of Emergency Meetings

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with Section 551.045 is sufficient if it is posted for at least two hours before the meeting is convened. Notice of emergency meetings or supplemental notice of an emergency item added to the agenda of a meeting of the Board of Trustees to address a

situation described above must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.

3.7 Quorum

The Kilgore College Board of Trustees is a nine-member Board, serving staggered six year terms. A majority of the Board, five members of a nine-member Board, regardless of the number of vacancies, constitutes a quorum for a meeting of the Board. (*Government Code 551.001(6), 311.013(b)*)

No business will be transacted without an affirmative vote of at least five members of the Board of Trustees. The President of the Board of Trustees will determine the method of voting. No proxy votes will be counted. Trustees should be aware of a “walking quorum”. Trustees commit an offense if a member, or group of members, knowingly conspires to circumvent the Texas Open Meetings Act by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of the Act. (*Government Code, Section 551.143*)

3.8 Participation other than in Person

The Board of Trustees will permit any, but not all, Trustees to participate in any meeting by a telephone conference call. A meeting held by a telephone conference call may be held only if a quorum of the board is physically present at the location where meetings of the board are usually held. Each part of the telephone conference call meeting that is required to be open to the public will be audible to the public at the location where the quorum is present and will be recorded. The recording will be made available to the public. The location of the meeting will provide two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference will be clearly stated before the party speaks. A board member who participates in a board meeting by telephone conference call but is not physically present at the location of the meeting is considered to be absent from the meeting for purposes of *Education Code, Section 130.0845. (Texas Government Code 551.122)*

3.9 Agenda

The official agenda is prepared by the Board President. Suggested agenda items may be submitted to the Board President with a copy to the Executive Aide to the President. The draft agenda will be reviewed by the college President and the Executive Committee of the Board. The college attorney will be consulted if needed. The official agenda and supporting documentation will be distributed electronically to Board members via BoardBook prior to the meeting to give Trustees ample time to consider their decisions whenever possible.

3.10 Placing an Item on the Agenda

The Executive Committee of the Board and the college President generally meet a week before a scheduled meeting to finalize the agenda. Meeting times will vary, so members are advised to consult with the President’s Office for exact date and time.

The college President or the Board President may place items on the agenda for presentation to the Board.

Any Trustee may request to the Board President any item they wish to have considered for placement on the agenda. The Board President must be notified of the item no later than noon of the day preceding the scheduled Executive Committee Meeting. Notification must be made in writing through written correspondence or email. The Board President may work with the Trustee proposing the item and the college attorney if needed to clarify the item and to ensure the item complies with applicable laws.

The Board President will ensure that any topics the Board or individual Trustees have requested be addressed are either on that agenda or are scheduled for deliberation at a subsequent meeting to occur no later than the next regularly scheduled Board meeting.

In accordance with Texas Open Meetings laws, no Board member can place an item on the agenda less than 72 hours in advance of the meeting, except in an emergency as defined by the Texas Government Code.

3.11 Open Meetings

In accordance with the Texas Public Information Act, all meetings will be open to the public, unless consistent with the requirements of *Texas Government Code, Section 551*. *Texas Government Code, Section 551* allows the Board to exclude the public from a meeting only when a closed session is required to accomplish one of the following purposes:

- (1) Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. This does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. (*Sec. 551.074*)
- (2) Deliberation regarding purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the college in negotiations with a third person. (*Sec. 551.072*)
- (3) Consult with an attorney on pending or contemplated litigation; or a settlement offer. (*Sec. 551.071*) NOTE: The Board of Trustees may use a conference call to consult with its attorney provided the attorney is not an employee of the college.
- (4) Deliberation of a negotiated contract for a prospective gift or donation to the college if deliberation in an open meeting would have a detrimental effect on the position of the college in negotiations with a third person. (*Sec. 551.073*)
- (5) Deliberation regarding the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit. (*Sec. 551.076*)

3.12 Citizen Comments

During the “Public Comments” section of the Board agenda, any person planning to address the Board on an item listed on the agenda shall complete the appropriate speaker participation form, available at the Recording Secretary Table, and submit it to the Recording Secretary prior to the

beginning of the meeting. No presentation shall exceed 3 minutes. A speaker may not accrue time from another speaker. (*Government Code 551.007 per HB2840*)

The Board does not comment or deliberate on the “Public Comments” except as authorized by *Government Code 551.042. (Government Code 551.042)*

Public Comment Procedures:

A speaker who signs up to address the Board on an item listed on the agenda, shall:

1. Be acknowledged by the presiding officer before publicly speaking;
2. State his or her first and last name and the intended topic;
3. Address the Board only on matters relating to KC and be limited to the topic as indicated on the speaker participation form;
4. Be limited to speaking for no more than 3 minutes (or less if it is a non-agenda item and the presiding officer determines in his/her discretion that a time limit is necessary);
5. Not accrue time from another speaker;
6. Not use profane or vulgar language during his or her presentation;
7. Remain in the area designated for speaking during his or her presentation;
8. Any handouts from speakers or other citizens must include the name of the person or organization providing the handout and must be handed out during the speaking time.
9. Be allowed to address the Board before its consideration if it is an agenda item.

The presiding officer shall have the authority to suspend the speaker’s time if he or she does not comply with the listed procedures.

3.13 Board Dinner

The Board dinner is a time honored tradition at Kilgore College and is a time for the Board to meet in fellowship with each other and members of the college administration. It is a time to build better working relationships that lead to a collegial working environment. Dinner is usually provided before each regular meeting at 6:00p.m. The dinner meeting is usually a social function, but it is posted on the agenda. Occasionally, there will be an educational presentation at the dinner and the subject matter will be included in the posting. Trustees will receive an email from the Executive Aide to the President to ascertain attendance. Please respond quickly so that plans may be made accordingly.

4. OTHER

4.1 Board Website

The Board website may be found at: http://www.kilgore.edu/hr_board_trustees.asp
Trustee Information, Trustee Organization and By-Laws, Regular Meeting Dates, Meeting Agenda, Meeting Minutes and Standing Committees may be found on the website.

4.2 College ID/Parking Permits

All Trustees will be given a college ID badge and a college parking permit. These are maintained through the Kilgore College Police Department.

4.3 Mileage

Trustees will be reimbursed for attending meetings/events by personal automobile at the state approved rate. Trustees are encouraged to submit a “Reimbursement Worksheet” form on a regular basis (period: not to exceed 60 days). The Assistant to the President has the forms and will process completed forms.

4.4 Travel

Trustees may attend local, state, regional, and national conferences. Travel arrangements are coordinated by the Assistant to the President. The Assistant to the President will forward information to Trustees regarding upcoming conferences and will confirm hotel and conference registration. Trustees are required to submit a “Reimbursement Worksheet.” Out-of-pocket expenses may be included on this form. Board members will be reimbursed for reasonable actual expense for meals at conferences. For reimbursement of such expenses, the Board member will submit the itemized receipt, a list of the attendees, and the purpose of the business meal. Expenses for alcoholic beverages and related gratuities will not be reimbursed. The Assistant to the President has the forms and processes receipts and completed forms.

4.5 Invitations to College Events

Trustees are encouraged to attend college special events. The Assistant to the President will inform the Trustees via email of any special college events.

4.6 College Commencement Participation

All Trustees are invited and encouraged to attend the Kilgore College commencement ceremonies. Kilgore College has a ceremony at the end of the fall, spring, and summer semesters. The Assistant to the President will provide information to the Trustees on dates and receptions.

4.7 Media, Including the Use of Social Media, Recommendations for Trustees

Upon being contacted by the media, Trustees are encouraged to advise and consult with the Board President and/or with the college President for assistance with an informed and accurate response.

- Determine if the issue is an “operational” matter or a “policy” matter. Trustee comments on policy matters are entirely appropriate. On operational questions, it frequently is best to refer those to the college President’s office to check the status of the matter, including finding out whether or not Kilgore College is aware of the issue.

- Before getting back to the reporter, think through the points you want to make, as well as any additional potential questions the reporter might have. The college President's office or Kilgore College's Public Information office can help you work through this process.
- Keep your comments to the point, and look to reinforce key Kilgore College messages about the high quality of education offered at Kilgore College, Kilgore College's commitment to the community not only to offer a high quality of education but also to be a good steward of public trust and tax dollars, and to the openness and accountability of the college, its Trustees and administrators.
- If you feel you are being drawn into a "gotcha" or "ambush" situation, ask the reporter, again, what the story is about and consider referring the matter back to college personnel.

The Kilgore College Board of Trustees has adopted a Social Media Policy outlining rules and procedures for the use of official Kilgore College social media sites as well as private accounts of Kilgore College Trustees, Administrators, Faculty and Staff. Trustees are encouraged to acquaint themselves with the official Board Policy, specifically:

- Be aware of your association with Kilgore College when posting on social media. Your content should be consistent with the educational goals and mission of Kilgore College and should not undermine the effectiveness or the inclusiveness of the College to all individuals.
- Be sure that all postings, comments, pictures, or other content do not appear to be affiliated with or express the views of Kilgore College, and are clearly your personal views and/or speech. Do not use Kilgore College branding or logos in your personal online posts without prior express written authorization. The only exception being that all members of the College community are encouraged to include on their personal social media any official Kilgore College message originally communicated via an official KC social media platform.

4.8 Changes to the Kilgore College Board of Trustees Procedure Manual

All changes to this manual must be presented to and approved by the Board during a regularly scheduled meeting.

1ST UPDATE APPROVED 3/14/16 (Section 2.7 Citizens Comments)

2ND UPDATE APPROVED 5/9/16 (Section 1.7 Board Committees)

Entire Document Revised/Approved 12/12/16

4TH UPDATE APPROVED 3/8/19 (section 4.7 Media, Including the Use of Social Media, Recommendations for Trustees)

5TH UPDATE APPROVED 4/13/2020 (section 3.12 Public Comments)

6TH UPDATE APPROVED 9/14/2020 (section 2.3.1 Board President)

7TH UPDATE APPROVED 8/14/2023 (section 3.12 Citizen Comments)

PUBLIC PARTICIPATION:



Any person planning to address the Board on an item listed on the agenda shall complete the appropriate speaker participation form, available at the Recording Secretary Table, and submit it to the Recording Secretary prior to the beginning of the meeting. No presentation shall exceed 3 minutes. A speaker may not accrue time from another speaker.

Public Comment Procedures:

A speaker who signs up to address the Board on an item listed on the agenda, shall:

1. Be acknowledged by the presiding officer before publicly speaking;
2. State his or her first and last name and the intended topic;
3. Address the Board only on matters relating to KC and be limited to the topic as indicated on the speaker participation form;
4. Be limited to speaking for no more than 3 minutes;
5. Not accrue time from another speaker;
6. Not use profane or vulgar language during his or her presentation;
7. Remain in the area designated for speaking during his or her presentation;
8. Any handouts from speakers or other citizens must include the name of the person or organization providing the handout and must be handed out during the speaking time.
9. Be allowed to address the Board before its consideration of an agenda item.

The presiding officer shall have the authority to suspend the speaker's time if he or she does not comply with the listed procedures.

**SPEAKER PARTICIPATION FORM
KC BOARD OF TRUSTEES**

***NAME OF SPEAKER:** _____

ADDRESS: _____

TELEPHONE: _____

ORGANIZATION/AGENCY REPRESENTING: _____

***SUBJECT:** _____

***AGENDA ITEM NUMBER:** _____

***DATE:** _____

**Required Items*

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: CH SITE MANAGEMENT
Policy: CHA Security

Summary of LOCAL Policy:

The policy outlines how the College will ensure security and protection of students, staff and property. The Board authorizes the formation of a College Police Department and employment of commissioned police officers with corresponding jurisdictions in all counties that property is owned, leased, rented or otherwise under the control of the College District.

Furthermore, the policy outlines that the KC Chief of Police is responsible for establishing Memorandums of Understanding (MOU) with overlapping jurisdictions that outlines communication and coordination efforts among the department and agencies. These MOUs will be approved by the KC Board.

The KC Chief of Police and the VP of Student Services (serving as the College President's designee) will review the departments' General Orders annually and make any appropriate revisions.

Procedures:

- Procedures for providing security and enforcing all applicable laws conducted by the Kilgore College Police Department are included in the department's General Orders.
- The VP of Student Services will serve as the College President's designee for purposes of this local policy. The VP of Student Services will be responsible for reviewing and addressing all requests submitted by KC commissioned officers requesting approval for outside employment.

- The VP of Student Services, serving as the College President's designee will also be responsible for reviewing those MOUs at least once every year. The VP of Student Services will alert the College President of any material changes that may require Board review/approval.

Note: Original TASB policy addressed dash cameras. KC officers employ body cameras. TASB confirmed that body cameras meet the spirit of the law.

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**Section I: College
District Peace
Officers**

The governing board of each state institution of higher education, including each college district, may employ and commission peace officers to maintain law and order. The primary jurisdiction of a peace officer so commissioned includes all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education that employs the peace officer.

Within a peace officer's primary jurisdiction, a peace officer:

1. Is vested with all the powers, privileges, and immunities of peace officers.
2. May, in accordance with Code of Criminal Procedure Chapter 14 arrest without a warrant any person who violates a law of the state.
3. May enforce all traffic laws on streets and highways.

Outside a peace officer's primary jurisdiction a peace officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers and may arrest any person who violates any law of the state if the peace officer:

1. Is summoned by another law enforcement agency to provide assistance;
2. Is assisting another law enforcement agency; or
3. Is otherwise performing duties as a peace officer for the institution of higher education that employs the peace officer.

Any officer assigned to duty and commissioned shall take and file the oath required of peace officers.

Any person commissioned under this section must be a certified police officer under the requirements of the Texas Commission on Law Enforcement (TCOLE).

Education Code 51.203; Code of Criminal Procedure Art. 2.12

**Motor Vehicle Stops
Reports Required**

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - a. The person's gender;

- b. The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
 - a. Any contraband or other evidence was in plain view;
 - b. Any probable cause or reasonable suspicion existed to perform the search; or
 - c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
7. The street address or approximate location of the stop;
8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
9. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Penal Code 1.07 during the stop.

The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing the reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency, including a college district police department, shall compile and analyze the information contained in each report received by the agency under Code of Criminal Proce-

dures 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year, in accordance with Code of Criminal Procedure 2.134, to TCOLE and to the governing body of each county or municipality served by the agency. *Code of Criminal Procedure 2.134(b)*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

Racial Profiling
Prohibition

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

*Departmental
Policy Required*

Each law enforcement agency in this state, including each college district police department, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties shall adopt a detailed written policy on racial profiling. The policy must:

1. Clearly define acts constituting racial profiling;
2. Strictly prohibit peace officers employed by the agency from engaging in racial profiling;
3. Implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and email address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer;
5. Require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this section;
6. Require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - a. The race or ethnicity of the individual detained;

- b. Whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Penal Code 1.07 during the stop;
 - e. The location of the stop; and
 - f. The reason for the stop; and
7. Require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under item 6 to:
- a. TCOLE; and
 - b. The governing body of each county or municipality served by the agency.

On adoption of a racial profiling policy, a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body-worn camera, as that term is defined by Occupations Code 1701.651. If a law enforcement agency installs video or audio equipment or equips peace officers with body-worn cameras, the policy adopted by the agency must include standards for reviewing video and audio documentation.

A report required under item 7, above, may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

A law enforcement agency shall review the data collected under item 6, above, to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Code of Criminal Procedure 2.132(a)–(b), (d)–(e), (h)

Duty to Request
and Render Aid

A peace officer who encounters an injured person while discharging the officer's official duties shall immediately and as necessary:

1. Request emergency medical services personnel to provide the person with emergency medical services; and
2. While waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skill and training.

Code of Criminal Procedure 2.33(a)

Exception

The peace officer is not required to request emergency medical services or provide first aid or treatment if making the request or providing the treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment. *Code of Criminal Procedure 2.33(b)*

Excessive Force
Duty to Intervene

A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the amount of force exceeds that which is reasonable under the circumstances and the officer knows or should know that the other officer's use of force:

1. Violates state or federal law;
2. Puts a person at risk of bodily injury, as that term is defined by Penal Code 1.07 and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and
3. Is not required to apprehend the person suspected of committing an offense.

A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

Code of Criminal Procedure 2.1387

Neck Restraints

A peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person. *Code of Criminal Procedure 2.33*

Apprehension of
Certain Individuals

A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer has reason to believe and does believe that the person is a person with mental illness and because of that mental illness there is a substantial risk

of serious harm to the person or to others unless the person is immediately restrained and believes that there is not sufficient time to obtain a warrant before taking the person into custody.

In accordance with Health and Safety Code 573.001 and 573.002, the peace officer shall immediately transport the apprehended person to a mental health facility or transfer the apprehended person to emergency services personnel and file the notification of detention.

A law enforcement agency and an emergency medical services provider may execute a memorandum of understanding as described by Health and Safety Code 573.005 under which emergency medical services personnel employed by the provider may transport a person taken into custody under Section 573.001 by a peace officer employed by the law enforcement agency.

Health and Safety Code 573.001-.002, .005

Diversion of Certain
Individuals

Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This section does not apply to a person who is accused of an offense under Penal Code 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08.

Code of Criminal Procedure 16.23

Code of Criminal Procedure 14.035 applies only to a person with an intellectual or developmental disability who resides at one of the following types of facilities operated under the home- and community-based services waiver program in accordance with 42 U.S.C. 1396n:

1. A group home; or

2. An intermediate care facility for persons with an intellectual or developmental disability (ICF/IID) as defined by 40 Administrative Code 9.153.

In lieu of arresting a person described above, a peace officer may release the person at the person's residence if the officer:

1. Believes confinement of the person in a correctional facility as defined by Penal Code 1.07 is unnecessary to protect the person and the other persons who reside at the residence; and
2. Made reasonable efforts to consult with the staff at the person's residence and with the person regarding that decision.

Code of Criminal Procedure 14.035(a)–(b)

In lieu of arresting an individual who is not a child, as defined by Family Code 51.02, and who commits an offense under Penal Code 49.02, a peace officer may release the individual if:

1. The officer believes detention in a penal facility is unnecessary for the protection of the individual or others; and
2. The individual:
 - a. Is released to the care of an adult who agrees to assume responsibility for the individual;
 - b. Verbally consents to voluntary treatment for substance use in a program in a treatment facility licensed and approved by the Health and Human Services Commission, and the program admits the individual for treatment; or
 - c. Verbally consents to voluntary admission to a facility that provides a place for individuals to become sober under supervision, and the facility admits the individual for supervision.

Code of Criminal Procedure 14.031(a)

A local entity or campus police department may not:

1. Adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws;
2. As demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws; or
3. For an entity that is a law enforcement agency or for a department, as demonstrated by pattern or practice, intentionally violate Code of Criminal Procedure 2.251, below.

Immigration
Enforcement

*Limitation on
Enforcement
Prohibited*

The prohibition on endorsing a policy as described at item 1 does not apply to an elected official.

Gov't Code 752.053(a); City of El Cenizo v. Texas, 890 F.3d 164 (5th Cir. 2018)

*Limitation on
Peace Officer
Enforcement
Activity*

In compliance with Government Code 752.053(a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Code of Criminal Procedure 2.12, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

1. Inquiring into the immigration status of a person under a lawful detention or under arrest;
2. With respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:
 - a. Sending the information to or requesting or receiving the information from U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, or another relevant federal agency;
 - b. Maintaining the information; or
 - c. Exchanging the information with another local entity or campus police department or a federal or state governmental entity;
3. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or
4. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

Gov't Code 752.053(b)

Exception

Notwithstanding Government Code 752.053(b)(3), a local entity or campus police department may prohibit persons who are employed by or otherwise under the direction or control of the entity or department from assisting or cooperating with a federal immigration officer if the assistance or cooperation occurs at a place of worship.
Gov't Code 752.053(c)

*Detainer
Requests*

A law enforcement agency that has custody of a person subject to an immigration detainer request issued by U.S. Immigration and Customs Enforcement shall:

1. Comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and
2. Inform the person that the person is being held pursuant to an immigration detainer request issued by U.S. Immigration and Customs Enforcement.

Code of Criminal Procedure 2.251(a)

Exception

A law enforcement agency is not required to perform a duty imposed by Code of Criminal Procedure 2.251(a) with respect to a person who has provided proof that the person is a citizen of the United States or that the person has lawful immigration status in the United States, such as a Texas driver's license or similar government-issued identification. *Code of Criminal Procedure 2.251(b)*

*Inquiry during a
Criminal
Investigation*

In the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

1. Investigate the offense; or
2. Provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

Code of Criminal Procedure 2.13(d)

Exception

Code of Criminal Procedure 2.13(d) does not prevent a peace officer from:

1. Conducting a separate investigation of any other alleged criminal offense; or
2. Inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

Code of Criminal Procedure 2.13(e)

Community
Outreach

Each law enforcement agency that is subject to the requirements of Government Code Chapter 752, Subchapter C may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged

criminal offense unless, as provided by Code of Criminal Procedure 2.13, the officer determines that the inquiry is necessary to:

1. Investigate the offense; or
2. Provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

A policy adopted under this section must include outreach to victims of family violence, as that term is defined by Family Code 71.004, including those receiving services at family violence centers under Human Resources Code Chapter 51; and sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Government Code 420.003.

Gov't Code 752.057

*Discrimination
Prohibited*

A local entity, campus police department, or a person employed by or otherwise under the direction or control of the entity or department may not consider race, color, religion, language, or national origin while enforcing immigration laws except to the extent permitted by the U.S. Constitution or Texas Constitution. *Gov't Code 752.054*

Body-Worn
Cameras
Policy

A law enforcement agency that receives a grant to provide body-worn cameras to its peace officers or that otherwise operates a body-worn camera program shall adopt a policy for the use of body-worn cameras.

A policy described above must ensure that a body-worn camera is activated only for a law enforcement purpose and must include:

1. Guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;
2. Provisions relating to data retention, including a provision requiring the retention of video for a minimum period of 90 days;
3. Provisions relating to storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security;
4. Provisions relating to the collection of a body-worn camera, including the applicable video and audio recorded by the camera, as evidence;

5. Guidelines for public access, through open records requests, to recordings that are public information;
6. Provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;
7. Procedures for supervisory or internal review; and
8. The handling and documenting of equipment and malfunctions of equipment.

The policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy. The policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

The policy must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Occupations Code 1701.655

Training

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to:

1. Peace officers who will wear the body-worn cameras; and
2. Any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.656(a)

Use of Body-Worn Cameras

A peace officer equipped with a body-worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body-worn camera must be activated.

A peace officer equipped with a body-worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation.

A peace officer who does not activate a body-worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

Any justification for failing to activate the body-worn camera because it is unsafe, unrealistic, or impracticable is based on whether

a reasonable officer under the same or similar circumstances would have made the same decision.

Occupations Code 1701.657

Personal
Cameras

A peace officer who is employed by a law enforcement agency that has not received a grant described by Occupations Code 1701.658 or who has not otherwise been provided with a body-worn camera by the agency that employs the officer may operate a body-worn camera that is privately owned only if permitted by the employing agency.

An agency that authorizes the use of privately-owned body-worn cameras must make provisions for the security and compatibility of the recordings made by those cameras.

Occupations Code 1701.658(c)-(d)

Use of Drones

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and
2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

The use of force, including deadly force, involving a drone is justified under Penal Code Chapter 9, Subchapter E, only if:

1. At the time the use of force occurred, the actor was employed by a law enforcement agency;
2. The use of force would have been justified under another provision of Subchapter E and did not involve the use of deadly force by means of an autonomous drone; and
3. Before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to TCOLE a policy on the agency's use of force by means of a drone, as required by Code of Criminal Procedure 2.33 and the use of force conformed to the requirements of that policy.

Code of Criminal Procedure 2.33; Penal Code 9.54

Custodial
Interrogations

Unless good cause exists that makes electronic recording infeasible, in accordance with Code of Criminal Procedure Article 2.32, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of an offense under:

1. Penal Code 19.02 (murder);
2. Penal Code 19.03 (capital murder);
3. Penal Code 20.03 (kidnapping);
4. Penal Code 20.04 (aggravated kidnapping);
5. Penal Code 20A.02 (trafficking of persons);
6. Penal Code 20A.03 (continuous trafficking of persons);
7. Penal Code 21.02 (continuous sexual abuse of young child or disabled individual);
8. Penal Code 21.11 (indecentcy with a child);
9. Penal Code 21.12 (improper relationship between educator and student);
10. Penal Code 22.011 (sexual assault);
11. Penal Code 22.021 (aggravated sexual assault); or
12. Penal Code 43.25 (sexual performance by a child).

"Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency for the purpose of detaining persons in connection with the suspected violation of a penal law. The term does not include a courthouse.

Code of Criminal Procedure Art. 2.32(b)

Eyewitness
Identification
Protocols

TCOLE shall establish a comprehensive education and training program on eyewitness identification, including material regarding variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols. Each law enforcement agency shall require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training. *Code of Criminal Procedure Art. 2.1386(b)–(c)*

Trauma-Informed
Investigation
Training

A postsecondary educational institution shall ensure each of its employed peace officers completes training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking. *Education Code 51.288; 19 TAC 3.12*

Notice to School

A law enforcement agency that arrests any person or refers a child to the office or official designated by the juvenile board who the agency believes is enrolled as a student in a public primary or secondary school for an offense listed in Code of Criminal Procedure

Officer-Involved Injury or Death	<p>15.27(h) shall attempt to ascertain whether the person is so enrolled and provide the notice described by Code of Criminal Procedure 15.27. <i>Code of Criminal Procedure Art. 15.27</i></p> <p>“Officer-involved injury or death” means an incident during which a peace officer discharges a firearm causing injury or death to another.</p> <p>Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report using the form created under Code of Criminal Procedure 2.139(b) to the office of the attorney general. The report must include all information described in Code of Criminal Procedure 2.139(b).</p> <p>Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under Code of Criminal Procedure 2.139(a), to the office of the attorney general. The report must include all information described in Code of Criminal Procedure 2.1395(a).</p> <p>A law enforcement agency that fails to submit a required report on or before the seventh day after the date of receiving notice from the attorney general that the agency failed to submit the report is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report.</p> <p>Beginning on the day after the date of receiving notice from the attorney general, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty above or under this provision is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this provision is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.</p> <p><i>Code of Criminal Procedure 2.139(a)(2), (c), .1395-.13951; 1 TAC 54.70</i></p> <p>To be considered by the head of a fire department or local law enforcement agency, a complaint against a peace officer must be in writing and signed by the person making the complaint. A copy of a signed complaint against a peace officer appointed or employed by a political subdivision of this state shall be given to the officer within</p>
Complaint Against Peace Officer	

a reasonable time after the complaint is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct.

On the commencement of an investigation by a law enforcement agency of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Gov't Code 614.022-.023; Code of Criminal Procedure 2.132(f)

[See DGBA, FLD, and GB for appeals]

Notice of Exposure
to Communicable
Disease

Each employer covered by workers' compensation insurance, including state and political subdivision employers, which employ emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the notice contained in 28 Administrative Code 110.108(d), in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. The notice shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where employees are likely to read the notice on a regular basis.
28 TAC 110.108(a)

Epinephrine Auto-
Injectors

A law enforcement agency may acquire and possess epinephrine auto-injectors, and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)*

Section II: Private Security

The security department of a private business or a political subdivision, including a college district, may not employ a commissioned security officer unless the security department provides notice to the Department of Public Safety (DPS) in the prescribed form of:

1. The security department's intent to employ a commissioned security officer and register with DPS under this section;
2. The name, title, and contact information of the person serving in the security department as the contact for the department; and
3. Any change in the information provided in item 1 or 2.

DPS shall maintain a registry of security departments that provide notice above and the name, title, and contact information of the person serving as contact for each security department.

Occupations Code 1702.181; 37 TAC 35.102

Section III: School Marshals

The governing board of a public junior college may appoint one or more school marshals. "School marshal" means a person who is appointed to serve as a school marshal by the governing board of a public junior college under Education Code 51.220, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure Article 2.127. *Education Code 51.220(b); Occupations Code 1701.001(8)*

Regulations

Any written regulations adopted for purposes of Education Code 51.220(d) must authorize a school marshal to carry a concealed handgun as described by Section 51.220(d) and require a handgun carried or possessed by a school marshal to be loaded only with frangible duty ammunition approved for that purpose by TCOLE and may not require a school marshal to store the handgun in a locked container while on duty. The regulations must provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a public junior college campus in a locked and secured safe or other locked and secured location. *Education Code 51.220(e)*

Authorization

A public junior college shall submit and receive approval for an application to appoint a person as a school marshal and upon authorization, notify TCOLE using approved format prior to appointment. *37 TAC 227.1(a)*

Eligibility

The governing board of a public junior college may select for appointment as a school marshal an applicant who is an employee of the public junior college and certified as eligible for appointment under Occupations Code 1701.260 and 37 Administrative Code 227.3. An appointing entity shall not appoint or employ an ineligible person as a school marshal. The governing board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Section 1701.260. *Education Code 51.220(c); Code of Criminal Procedure 2.127(d); 37 TAC 227.1(b), .3*

Authority

A school marshal may make arrests and exercise all authority given peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the governing board of a public junior college under Education Code 51.220 and only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises. *Code of Criminal Procedure 2.127(a)*

<i>Exception</i>	A school marshal may not issue a traffic citation for a violation of Transportation Code Chapter 521 or Transportation Code Title 7, Subtitle C. <i>Code of Criminal Procedure 2.127(b)</i>
Possession and Use of Handgun	<p>A school marshal appointed by the governing board of a public junior college may carry a concealed handgun or possess a handgun on the physical premises of a public junior college campus, but only:</p> <ol style="list-style-type: none">1. In the manner provided by written regulations adopted by the governing board; and2. At a specific public junior college campus as specified by the governing board. <p><i>Education Code 51.220(d)</i></p> <p>A school marshal may use a handgun the school marshal is authorized to carry or possess under Education Code 51.220 only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33. <i>Education Code 51.220(f)</i></p>
Status Inactivated	<p>A public junior college employee's status as a school marshal becomes inactive on:</p> <ol style="list-style-type: none">1. Expiration of the employee's school marshal license under Occupations Code 1701.260;2. Suspension or revocation of the employee's license to carry a concealed handgun issued under Government Code Chapter 411, Subchapter H;3. Termination of the employee's employment with the public junior college; or4. Notice from the governing board of the public junior college that the employee's services as school marshal are no longer required. <p><i>Education Code 51.220(g)</i></p>
Reports to TCOLE	<p>A public junior college shall:</p> <ol style="list-style-type: none">1. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the appointing entity;2. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the appointing entity, TCOLE standards, another state agency, or under other law; and

3. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of 37 Administrative Code Chapter 227 outside of a training environment.

37 TAC 227.1(a)

Requests for
Information
Regarding Marshals

If a parent or guardian of a student enrolled at a public junior college inquires in writing, the governing board of the public junior college shall provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed a school marshal. The notice may not disclose information that is confidential under Education Code 51.220(h). *Education Code 51.220(i)*

*Identity
Confidential*

The identity of a school marshal appointed under this section is confidential, except as provided by Occupations Code 1701.260(j), and is not subject to a request under the Public Information Act, Government Code Chapter 552. *Education Code 51.220(h)*

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Records Retention

For five years, the appointing entity must retain documentation that it has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve the appointing entity from retaining all other relevant records not otherwise listed. *37 TAC 227.1(c)*

SITE MANAGEMENT
SECURITYCHA
(LOCAL)**College District
Police Department**

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a College District police department and shall employ and commission peace officers.

Jurisdiction

The jurisdiction of College District peace officers shall include all counties in which property is owned, leased, rented, or otherwise under the control of the College District.

Police Authority

While within the jurisdiction set out in this policy, peace officers employed and commissioned by the College District shall have all the powers, privileges, and immunities of peace officers. Subject to limitations in law, College District peace officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the College District and protect the property of the College District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District police officers may serve search warrants in connection with College District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce College District policies, rules, and regulations on College District property or at College District functions.
6. Investigate violations of College District policies, rules, and regulations as requested by the College President and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the College President.
8. Carry out all other duties as directed by the chief of police or College President.

Temporary Assignment	College District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Outside Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and College President or designee.
Relationship with Outside Agencies	The College District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the College President or designee shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Use of Force	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
By Drone	The College District shall not use force by means of a drone.
High-Speed Pursuit	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Video Monitoring	Video equipment shall be used on a College District police car for safety purposes whenever the flashing lights on a car are in use.
Access to Recordings	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law.
Officer Training	All College District officers shall receive at least the minimum amount of education and training required by law.
Peace Officer Leave	For provisions regarding mental health leave and quarantine leave for peace officers, see DEC.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the College President or designee shall review the manual annually and make any appropriate revisions.

Racial Profiling

The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Peace officers employed by the College District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.

Complaints

Complaints against a College District police officer shall be in writing on a form provided by the College District and shall be signed by the person making the complaint. In accordance with law, the College District shall provide to the police officer a copy of the complaint. [See Complaint Against Peace Officer at CHA(LEGAL)]

Appeals regarding this complaint process shall be filed in accordance with DGBA, FLD, or GB, as appropriate.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DBD Employment Requirements and Restrictions: Conflict of Interest

Summary of LOCAL Policy: Policy outlines conflicts of interest, accepting gifts, and proper disclosure requirements for all employees. This Local policy was reviewed by Administration to ascertain compliance. KC is in compliance and will continue to monitor HR practices and train employees and management for continued compliance regarding all conflicts of interest.

Procedures:

Administrative Rule:

- 1. Disclosure of Conflict of Interest**

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTERESTDBD
(LEGAL)**Restrictions Upon
“Public Servants”—
Penal Code**

“Public servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties: an officer, employee, or agent of government; an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; an attorney at law or notary public when participating in the performance of a governmental function; or a person who is performing a governmental function under a claim of right although he is not legally qualified to do so. [See also BBFA and DH] *Penal Code 1.07(a)(41)*

Bribery

A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

1. Any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.
2. Any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding.
3. Any benefit as consideration for a violation of a duty imposed by law on a public servant.
4. Any benefit that is a political contribution as defined by Election Code Title 15 or that is an expenditure made and reported in accordance with Government Code Chapter 305 (lobbying expense), if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit.

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), .02

Illegal Gifts

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under Penal Code 36.08 may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Penal Code 36.08(d), (i)

Exceptions

Penal Code 36.08 does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Government Code Chapter 572, or a report under Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:
 - a. The benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
4. A political contribution as defined by Election Code Title 15;
5. An item with a value of less than \$50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
7. Transportation, lodging, and meals described by Penal Code 36.07(b) [see HONORARIA AND EXPENSES, below];
8. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or
9. Complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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document rendered to a public servant who is a first responder and through a program or clinic that is operated by a local bar association or the State Bar of Texas and approved by the head of the agency employing the public servant, if the public servant is employed by an agency. "First responder" includes a peace officer whose duties include responding rapidly to an emergency and other individuals listed at Penal Code 36.10(e).

Penal Code 36.10(a)–(b), (e)

Honoraria and
Expenses

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. Penal Code 36.07 does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory, or from accepting meals in connection with such an event. *Penal Code 36.07(a)–(b)*

Abuse of Public
Employment

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly violates a law relating to the public servant's office or employment; or misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment. *Penal Code 39.02(a)*

"Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

"Misuse" means to deal with property contrary to:

1. An agreement under which the public servant holds the property;
2. A contract of employment or oath of office of a public servant;
3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

4. A limited purpose for which the property is delivered or received.

Penal Code 39.01(2)

**Conflict Disclosure
Statement**

"Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee.

Local Gov't Code 176.001(1)

"Local government officer" means an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

"Contract" means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

Local Government Code Chapter 176 [see BBFA] applies to a person who is a local government officer of a local governmental entity. A person is not subject to the disclosure requirements in Chapter 176 if the person is an employee or agent of a political subdivision of a state acting in the employee's or agent's official capacity.

A local governmental entity may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Chapter 176.

A local governmental officer commits an offense under Chapter 176 if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

It is an exception to the application of Local Government Code 176.013(a) that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after the person received notice from the local governmental entity of the violation.

Local Gov't Code 176.003(a)-(a-1), .013(a), (d), (f)

Holding Civil Office

No person shall hold or exercise at the same time, more than one civil office of emolument, except for offices listed in Texas Constitution Article XVI, Section 40(a), unless otherwise specifically provided. *Tex. Const. Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 921 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993)*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

State employees or individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not state officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts, including college districts (other than those in which they are employed). Such state employees or other individuals may not receive a salary for serving as members of such governing bodies, except that a faculty member or retired faculty member of a public institution of higher education may receive compensation for serving as a member of a governing body of a water district created under Texas Constitution Article XVI, Section 59 Texas Constitution Article III, Section 52. *Tex. Const. Art. XVI, Sec. 40(b); Atty. Gen. Op. JM-118 (1983), JM-203 (1984)*

Intellectual Property

It is not a violation of Government Code Chapter 572 or any other statute, rule, regulation, or the common law of the State of Texas for:

1. An employee of an institution of higher education, including a college district, who conceives, creates, discovers, invents, or develops intellectual property, to own or be awarded any amount of equity interest or participation in, or, if approved by the institutional governing board, to serve as a member of the board of directors or other governing board or as an officer or an employee of, a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of that intellectual property; or
2. An individual, at the request and on behalf of a university system or an institution of higher education, to serve as a member of the board of directors or other governing board of a business entity that has an agreement with the state or a political subdivision of the state relating to the research, development, licensing, or exploitation of intellectual property in which the university system or institution of higher education has an ownership interest.

The employee or individual must report to the appropriate person or persons at the institution at which the person is employed or on behalf of which the person is serving the name of such business entity in which the person has an interest or for which the person serves as a director, officer, or employee. The governing board of each institution shall include in the appropriate annual report required by Education Code 51.005 the information provided to it under this section during the preceding fiscal year.

Education Code 51.912 [See CT]

Educational Lending

In the case of an institution, including a college district, that participates in a loan program under U.S.C. Title 20, the institution will:

1. Develop a code with respect to such loans with which the institution's officers, employees, and agents shall comply, that:
 - a. Prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of the institution with respect to such loans; and
 - b. At a minimum, includes the provisions described in 20 U.S.C. 1094(e);
2. Publish the code of conduct prominently on the institution's website; and
3. Administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct.

20 U.S.C. 1094(a)(25)

An institution of higher education's code of conduct shall include the following requirements:

1. Ban on revenue-sharing arrangements: The institution shall not enter into any revenue-sharing arrangement, as defined by 20 U.S.C. 1094(e)(1)(B), with any lender.
2. Gift ban: No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift, as defined by 20 U.S.C. 1094(e)(2)(B), from a lender, guarantor, or servicer of education loans.
3. Contracting arrangements prohibited: Except as provided by 20 U.S.C. 1094(e)(3)(B), an officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(LEGAL)

4. Interaction with borrowers: The institution shall not for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.
5. Prohibition on offers of funds for private loans: The institution shall not request or accept from any lender any offer of funds to be used for private education loans, as defined in 15 U.S.C. 1650, including funds for an opportunity pool loan, as defined by 20 U.S.C. 1094(e)(5)(B), to students in exchange for the institution providing concessions or promises regarding providing the lender with specified number of loans made, insured, or guaranteed under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C; a specified loan volume of such loans; or a preferred lender arrangement for such loans.
6. Ban on staffing assistance: Except as provided by 20 U.S.C. 1094(e)(6)(B), the institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.
7. Advisory board compensation: Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

20 U.S.C. 1094(e)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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DBD
(LOCAL)

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CAA and CAAB.

Disclosure General Standard

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District.

Specific Disclosures

Substantial Interest

The College President shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the College President or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest as defined by Local Government Code 171.002 shall file an affidavit with the College President; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

Interest in Property

The College President shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

[See BBFA]

Gifts

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CAAB, and CDE]

Endorsements

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the employee during nonschool hours, unless the product, material, or service is recommended, endorsed, or required for a course the employee teaches and is reasonably related to the subject matter of the course and the course syllabus.

No employee shall require students to purchase a specific brand of supplies if other brands are equal and suitable for the intended instructional purpose.

Sales

An employee shall not use his or her position with the College District to attempt to sell products or services, unless the products or services are recommended, endorsed, or required for a course the

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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DBD
(LOCAL)

employee teaches and are reasonably related to the subject matter of the course and the course syllabus.

Administrative Rule

Subject: Disclosure of Conflict of Interest

TASB Policy: BDB

Effective Date: August 14, 2023



I. **Purpose and Scope**

Employees must disclose any Conflicts of Interest as defined in TASB Policy DBD.

II. **Definitions**

Conflict of Interest: Any financial interest, business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College District.

III. **Procedures**

See the following pages for forms to be used by employees for disclosing potential conflicts of interest.

EXHIBIT A - AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR IN REAL PROPERTY

EXHIBIT B - AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of the College President and, as applicable, a College District employee, as required by Local Government Code 176.003, is available on the Texas Ethics Commission website at <http://www.ethics.state.tx.us>.

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR IN REAL PROPERTY

STATE OF TEXAS

COUNTY OF _____

I, _____ (name), as an employee of the _____ College District, make this affidavit and hereby on oath state the following: I have a substantial interest in:

a business entity, as those terms are defined in Local Government Code Sections 171.001–171.002, that would experience a special economic effect distinguishable from its effect on the public by an action of the Board or the College District. [See BBFA]

or

real property for which it is reasonably foreseeable that an action of the Board or College District will have a special economic effect on the value of the property distinguishable from its effect on the public.

The business entity or real property is (name/address of business or description of property):

_____.

I, _____, have a substantial interest in this business entity or real property as follows: (check all that apply)

Ownership of ten percent or more of the voting stock or shares of the business entity.

Ownership of ten percent or more of the fair market value of the business entity.

Ownership of \$15,000 or more of the fair market value of the business entity.

Funds received from the business entity exceed ten percent of my gross income for the previous year.

Real property is involved and I have an equitable or legal ownership with a fair market value of at least \$2,500.

The statements contained herein are based on my personal knowledge and are true and correct.

Signed this _____ day of _____ (month), _____ (year).

_____ Signature of employee

_____ Title

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF _____

Sworn to and subscribed before me on this _____ day of _____ (month), _____ (year).

_____ Notary Public in and for the state of Texas

Note: This affidavit should be filed with the College President, Board President, or a designee before the Board takes action concerning the business entity or real property.



EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS

COUNTY OF _____

I, _____ (name), as College President of the _____ College District, make this affidavit and hereby on oath state the following:

I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation.

The property is described as follows:

_____.

The nature, type, and amount of interest, including but not limited to, percentage of ownership, I have in the property is:

_____.

The interest was acquired on _____ (date).

I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

_____ Signature of employee

_____ Title

Signed this _____ day of _____ (month), _____ (year).

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, _____ (here insert the name and character of the officer administering the oath) on this day personally appeared _____ (affiant) known to me (or proved to me on the oath of _____ or through _____) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____ (month), _____ (year).

_____ Notary Public in and for the state of Texas

Note: This affidavit should be filed with the county clerk(s) within ten days before the date on which the property is to be acquired, as provided by Government Code 553.002.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DEA Compensation and Benefits – Compensation Plan

Summary of LOCAL Policy:

This LOCAL policy was reviewed by Administration to ascertain compliance. Only one item was identified as being in non-compliance. It pertains to notification for Earned Income Tax Credit. This employee notification will begin with fiscal year 2024 to ensure compliance. This LOCAL policy summarizes Pay Administration and outlines necessary elements in a Compensation Plan at the college. An Administrative Rule was created to define the elements of KC Compensation Plan.

For Board Approval:

- Approval of the LOCAL Policy, DEA (AJC).
- Board Resolution to pay employees during an emergency closure for which workdays are not scheduled to be made up at a later date. (Local DEA AJC – Pay During Closing)

Procedures:

Administrative Rules:

1. Compensation Plan & Salary Structures

- a. Outlines the Compensation Plan and Salary Structures for Kilgore College pay plans.
- b. This includes reference to the new pay ranges/pay grades classification system identified in the 2022-2023 compensation study.
- c. Exhibits:
 - i. Reclassification of Pay Grade – Request Form

COMPENSATION AND BENEFITS
COMPENSATION PLANDEA
(LEGAL)**Pay Increases**

Generally

A college district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. *Tex. Const. Art. III, Sec. 53*

Merit Salary
Increases

An institution of higher education, including a college district, may grant merit salary increases, including one-time merit payments, to employees described by this section. A merit salary increase made under Education Code 51.962 is compensation for purposes of Government Code Chapter 659, and salary and wages and member compensation for purposes of Government Code Title 8. An institution of higher education may pay a merit salary increase from any funds. Before awarding a merit salary increase, an institution of higher education must adopt criteria for the granting of merit salary increases. To be eligible for a merit salary increase, an employee must have been employed by the institution of higher education for the six months immediately preceding the effective date of the increase and at least six months must have elapsed since the employee's last merit salary increase.

For employees employed by the institution of higher education for more than six months, the requirement that six months elapse between merit salary increases does not apply to a one-time merit payment if the chief administrative officer of the institution of higher education determines in writing that the one-time merit payment is made in relation to the employee's performance during a natural disaster or other extraordinary circumstance.

*Education Code 51.962***Salary Advances and
Loans**

A political subdivision, including a college district, shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

**Payments in Excess
of Contractual
Amount**

A political subdivision, including a college district, may not pay an employee or former employee more than an amount owed under a contract with the employee unless the political subdivision holds at least one public hearing under this section.

Notice must be given of the hearing in accordance with notice of a public meeting under Government Code Chapter 551, Subchapter C.

The governing body of the political subdivision must state the following at the public hearing:

1. The reason the payment in excess of the contractual amount is being offered to the employee or former employee, includ-

ing the public purpose that will be served by making the excess payment; and

2. The exact amount of the excess payment, the source of the payment, and the terms for the distribution of the payment that effect and maintain the public purpose to be served by making the excess payment.

Local Gov't Code 180.007

Teacher Retirement System Contributions for New Hires

During each fiscal year, an employer, including a college district, shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the Teacher Retirement System (TRS), during their first 90 days of employment.

“New member” means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, an employer shall:

1. Report to TRS, in a form prescribed by TRS, a certification of the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments due under this section for the payroll periods; and
2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

The employer must remit the amount required under this section to TRS at the same time the employer remits the member's contribution. In computing the amount required to be remitted, the employer shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

Gov't Code 825.4041(a)–(c), (e)

TRS Surcharge for Rehired Retirees

TRS Fund
Contributions

During each payroll period for which a retiree is reported, an employer, including a college district, shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LEGAL)

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and
2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

Gov't Code 825.4092(b)

No Recovery Costs

A reporting employer is ultimately responsible for payment of the amounts required to be contributed above. The employer may not directly or indirectly pass that cost on to the retiree through payroll deduction, by imposition of a fee, or by any other means designed to recover the cost. *Gov't Code 825.4092(f)*

Exception

The amounts required to be paid above are not required to be paid by a reporting employer for a retiree who retired from the retirement system before September 1, 2005. *Gov't Code 825.4092(e)*

**Notice Regarding
Earned Income Tax
Credit**

Not later than March 1 of each year, each employer, including every college district, shall provide to the employer's employees information regarding general eligibility requirements for the federal earned income tax credit by one of the following means:

1. In person;
2. Electronically at the employee's last known email address;
3. Through a flyer included, in writing or electronically, as a payroll stuffer; or
4. By mailing the information to the employee at the employee's last known address by U.S. first class mail.

An employer may not satisfy this requirement solely by posting information in the workplace.

In addition, an employer may provide employees with IRS publications and forms, or information prepared by the comptroller, relating to the earned income tax credit.

Labor Code 104.001-.003

**Gifts, Grants, and
Donations for Salary
Supplements**

Conflict-of-Interest
Provisions

A state agency, including a college district, by rule shall adopt conflict-of-interest provisions regarding the acceptance by the agency of a gift, grant, donation, or other consideration to be used as a salary supplement for an employee of the agency. The governing board of an institution of higher education shall adopt the conflict-of-interest provisions in the same manner as the board adopts other policies applicable to the institution. The agency shall post

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LEGAL)

the conflict-of-interest provisions on the agency's internet website.
Gov't Code 659.0201(c)

Internet Posting

A state agency that accepts a gift, grant, donation, or other consideration from a person that the person designates to be used as a salary supplement for an employee of the agency shall post on the agency's internet website the amount of each gift, grant, donation, or other consideration provided by the person that is designated to be used as a salary supplement for an employee of the agency. The agency may not post the name of the person. *Gov't Code 659.0201(b)*

Reports

The state auditor shall adopt a schedule and format for reporting information required by this section that does not require the release of information that identifies an anonymous donor. *Gov't Code 659.0201(h)*

Generally

Each state agency receiving a gift, grant, donation, or other consideration from a person that is designated to be used as a salary supplement for a named person, position, or endowment shall report the following information to the state auditor in the form determined by the state auditor:

1. Whether the person making the gift, grant, or donation or providing other consideration to the state agency is an individual or an entity;
2. If the person is an entity, the type of entity;
3. If the entity is a nonprofit entity or organization, whether the entity is classified as a supporting organization by the Internal Revenue Service;
4. If the entity is classified as a supporting organization by the Internal Revenue Service, the type of supporting organization, the name of the supported organization, and any other information relating to that classification;
5. Any internal or external oversight procedures the state agency has established to monitor the use of any gift, grant, donation, or other consideration the agency receives; and
6. How the state agency uses gifts, grants, donations, and other consideration the agency receives, including whether they are used to provide salary supplements for agency employees.

Gov't Code 659.0201(i)

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LEGAL)

*College District
Support Entities*

If the person making a gift, grant, or donation or providing other consideration to the state agency for the purpose of a salary supplement is an entity created solely to provide support for the state agency, the entity shall report to the agency:

1. The name of each person who makes gifts, grants, or donations, or provides other consideration to the entity, in an amount or having a value that exceeds \$10,000, unless the person has made a request to the entity to remain anonymous; and
2. The amount or value of each specific gift, grant, donation, or other consideration.

A state agency that receives the gift, grant, donation, or other consideration shall compile the information the agency receives into a report and submit the report to the state auditor and the legislature. The state auditor may review the report to identify any conflicts of interest or any other areas of risk. The state auditor shall report the results of the audit to the legislature.

The information provided to the institution of higher education is confidential and is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

Gov't Code 659.0201(d)-(g)

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LOCAL)

The College President shall recommend an annual compensation plan for all College District employees. [See also DEAA] The compensation plan may include wage and salary structures, stipends, benefits, and incentives. The recommended plan shall support College District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the College District. The Board shall also determine the total compensation package for the College President. [See BF series]

Pay Administration

The College President shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The College President or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.

Annualized Salary

The College District shall pay all salaried employees over 12 months in equal monthly or semimonthly installments, regardless of the number of months employed during the academic year. Salaried employees hired during the academic year shall be paid in accordance with administrative regulations.

Pay Increases

The College President shall recommend to the Board an amount for employee pay increases as part of the annual budget. The College President or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.

*Mid-Year Pay
Increases*

Contract
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the College District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

Noncontract
Employees

The College President or designee may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The College President shall report any such pay increases to the Board at the next regular meeting.

Pay During Closing

If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure.

COMPENSATION AND BENEFITS
COMPENSATION PLAN

DEA
(LOCAL)

**Gifts, Grants, and
Donations for Salary
Supplements**

The College District shall not accept gifts, grants, donations, or other consideration designated for use as salary supplements.

Administrative Rule

Subject: Compensation Plan & Salary Structures

TASB Policy: DEA

Effective Date: August 14, 2023



I. Purpose and Scope

Guidelines for Kilgore College Compensation Plan and Salary Structures are outlined below. Refer to board policy DEA, Legal and Local for all college policies and state and federal regulations governing employee pay practices. The President and designee(s) shall administer the compensation plan and salary structure consistent with board policies, the annual budget approved by the board, and these administrative guidelines.

II. Definitions

1. Pay Plan includes all aspects of employee compensation and position classification as described below.
2. Salary Structure outlines the basis in determining how employees are paid.
3. Pay Ranges/Pay Grades provide a fixed framework of salary ranges for positions within the College.
4. Base Salary is the base compensation for an employee not including stipends, or supplemental pay. Base Salary includes the total number of months a contract employee is scheduled to work for the college in the academic year.

III. Procedures

Compensation Plan & Salary Structures

Pay Systems – Salary Schedules

Employee pay systems are designed and administered for the purpose of attracting and retaining qualified employees to achieve the goals of the college. The Human Resource Department is responsible for the maintenance and administration employee pay systems.

The Full-Time employee pay plan includes:

- Faculty
- Exempt Staff
- Exempt IT (Information Technology) Staff
- Nonexempt Staff

Pay ranges/“pay grades” and salary schedules are reviewed and adjusted periodically. Employee pay may be adjusted for general pay increases, retention, reclassifications and performance.

Job Descriptions

Job documentation is an essential function in the administration of the compensation system. Accurate and complete job documentation will be collected and maintained by Human Resources with input from supervisors and managers. Job descriptions will define job qualifications, job purpose, major duties and responsibilities, working conditions, and exemption status. Job titles are assigned by Human Resources to accurately reflect the level and nature of work and the organizational structure of the college. Job descriptions should be reviewed and updated as job duties and responsibilities change and annually during the Performance Review and Appraisal process.

Job Classification

Job classification determines the assigned pay range for a job. Job classification is based on job requirements, assigned duties, and market rates. All jobs are classified for pay based on the relative level of knowledge and skill requirements, scope and complexity of assigned duties, job accountability, and working conditions. Human Resources will collect job information, evaluate jobs for classification purposes, and assign jobs to pay grades.

Job classification groups jobs of similar value into pay grades and pay ranges “and is based on the requirements of the job with the following factors taken into consideration:

- Knowledge (education and specialized experience)
- Skill (expert abilities, specialized skill and/or competence)
- Effort (decision-making, complexity, communication responsibility)
- Responsibility (scope of impact, financial accountability, supervisory responsibility)
- External Job Market Value

Classification of New Positions

Prior to posting, new positions must have a written job description created collaboratively by Human Resources and the hiring supervisor or manager. Human Resources will recommend the pay grade classification of new positions based on the job description, qualifications required, and market value. New positions must be classified in the pay system prior to being posted.

Job Reclassification

A job reclassification may occur when a job classification is changed to a higher or lower pay range. Jobs may be reclassified as a result of a significant and sustained change in job duties assigned, a need to improve internal pay equity with similar jobs, or a change in competitive market rates, and other employment related factors.

Procedures for Job Reclassification

Review of job reclassifications must be initiated by the supervisor or manager or by Human Resources on the Reclassification of Pay Grade Form. Generally, Job Reclassifications will occur during the annual review and appraisal period and will have an effective date of the next fiscal year.

Salary/Pay Adjustments for Job Reclassification

The Human Resource Department will evaluate the need for salary adjustment for reclassified employees and use appropriate demotion or promotion procedures.

Salary placement for an employee who is reclassified will follow the guidelines for placement of a new hire with additional adjustments made as needed to achieve pay equity among peer employees.

- If the job is reclassified upward due to an increase in level of responsibilities, the procedure for promotion increases may be applied;
- If the job is reclassified due to organizational changes, there may be no immediate pay increase;
- If the job is reclassified due to a change in the competitive job market for hard-to-fill positions, equity adjustments may be made at the direction of Human Resources and the President subject to contractual pay change restrictions;
- If the job is reclassified to a lower pay range based on a reduction in level of assigned responsibilities, the employee's pay may be reduced as recommended by Human Resources and the President's direction.

Refer to procedures on pay adjustments for reassignment to a lower pay grade.

General Pay Increases

Kilgore College may grant percentage increases to salaries if fiscal conditions allow. Any general pay increase (GPI) will be recommended to the Board by the President. Salary increases will be approved as part of the Board of Trustees' approval of the College's annual budget. Employees who begin work on or before June 1 are eligible for general pay increases that become effective September 1. Incumbent workers who change positions are eligible for any approved percentage salary increase based on the new position's salary as long as they are in the new position on or before September 1 and meet other eligibility criteria.

General pay increases for employees are calculated by applying the percent increase approved by the Board to the employee's base salary. If a flat rate increase is approved, the flat rate shall be applied to the base salary.

Other Pay Changes

Contract and noncontract employees pay may be increased or decreased to address equity, market conditions, or other compensation factors not identified specifically in this policy only by the approval and recommendation of the College President.

Salary Placement – Schedule for Faculty

Salaries for faculty who are new to the college will be determined, in part, by calculating total teaching years at the post-secondary, College/University level. Years will be counted as 1 to 1, with each year of teaching counting as 1 year of teaching experience. Formerly adjunct instructors will receive 1 year of credit for every 30 hours of adjunct taught, rounded up to the nearest year. Graduate Assistant (GA) and Teaching Assistant (TA) experience will be counted in the same manner as adjunct hours so long as the GA/TA was responsible for full instruction of the course.

Instructors teaching in a technical field will receive years of experience credit for the number of years working in a directly related field for which they are instructing.

New faculty hires will receive credit for years of service up to a maximum of 15 years.

The Faculty pay schedule also gives credit for highest degree obtained, Associates, Bachelors, Masters or Doctorate.

Salary Placement – Exempt and Nonexempt

Starting pay for a new hire in a pay range plan will be determined based on the Pay Grade scale the position is placed into, and salaries paid to peer employees in the same position with similar experience.

Peer equity. In multi-incumbent positions, starting pay for a new hire should not exceed rates being paid to other employees in the same job with similar experience and qualifications.

Midpoint limit. Starting salary may be set up to the midpoint of the pay range based on job-related prior experience and qualifications, and the salary of peer employees. With approval from Human Resources and President, a starting salary may exceed the midpoint of the pay range/pay grade and/or peer employees for a hard-to-fill key position.

Reassignment

Pay Adjustment – Promotions: Reassignment to a Higher Pay Grade

A promotion occurs when an employee is moved to a different job in a higher pay grade. Salary placement for an employee who is promoted will follow the guidelines for placement of a new hire with additional adjustments made as needed to achieve pay equity among peer employees. Employees promoted internally will not be paid less than a new hire with similar experience

. Promotion increases for employees will be determined based on new hire guidelines, job related experience granted by Human Resources, peer equity, and placement scales. In most situations, the promoted employee will be placed at the base of the new pay grade, or a 7.5% increase will be applied to the employee's current salary, whichever is greater.

Pay Adjustment – Demotion: Reassignment to a Lower Pay Grade

A reassignment to a different job in a lower pay range is considered a demotion and a corresponding reduction in pay will result. *TASB Policy DLC.*

Employee with an Employment Contract. A reduction in pay as a result of a demotion will not be made during the current contract year, unless mutually agreed to by the employee and the college in writing and in consultation with a college attorney. Pay reductions for contract employees are made at the recommendation of Human Resources and direction of the President. This may follow the same guidelines as pay reductions for noncontract employees.

Staff. Subject to approval by Human Resources and President, a reduction in pay for a demotion will be made effective with the new assignment to a lower pay grade. The employee's base rate of pay may be calculated the same as a new hire's pay in the lower pay grade, with peer equity factored into the final determination-

Pay adjustments may also be made for a longer or shorter work year associated with the change in duty assignment. In the case of a demotion from a staff pay range structure to a faculty placement scale, salary placement will be made according to years of experience.

Reinstatement Following Break in Service

An employee who is rehired will be placed within the salary schedule as applicable.

Review and Adjustment of Pay Ranges

Human Resources will review pay structures annually and recommend adjustments as needed to maintain competitive alignment with external job markets and internal alignment of career pathways.

If no general pay increase is approved by the board, no pay range adjustments will be made. Pay ranges adjustments will be prepared by Human Resources and presented to the President for consideration and approval. Recommendations will take into account the general pay increase as well as the competitive market for I adjustments of the pay ranges/pay grades.

Exhibits:

- Reclassification of Pay Grade – Request Form

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DEAA Compensation Plan: Incentives and Stipends

Summary of LOCAL Policy: Incentives and Stipends are defined by the KC Compensation Plan and Supplemental Duties assigned to employees are compensated as required by law and KC policy.

COMPENSATION PLAN
INCENTIVES AND STIPENDS

DEAA
(LOCAL)

Stipend

The College President shall recommend a stipend pay schedule as part of the annual compensation plan of the College District. [See DEA]

Supplemental
Duties

The College President or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DJ(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the College District.

KILGORE COLLEGE TASB POLICY CONVERSION

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

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy:

Section: D PERSONNEL

Policy: DEAB Compensation Plan - Wage and Hour Laws

Summary of LOCAL Policy:

FLSA classifications are defined for Exempt vs Nonexempt per FLSA guidelines.

Workweek Defined in Local Policy as Sunday through Saturday per current KC policy.

Procedures:

Administrative Rules:

1. Employee Type Classifications

- a. Defines the employee "types" (FT/PT/Student/) and guidelines pertaining to each classification type.

2. Compensation & Payroll Practices

- a. Incorporates KC Compensation Policy, Classification of Employees as Exempt of Non-Exempt Policy
- b. Designates that KC does not allow for Compensatory Time for employees.
- c. Identifies how employees are paid, and procedures associated with each employee classification

COMPENSATION PLAN
WAGE AND HOUR LAWSDEAB
(LEGAL)**Fair Labor Standards Act**

Minimum Wage and Overtime

Unless an exemption applies, each employer, including each college district, shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)*

Unless an exemption applies, an employer shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek, in accordance with 29 C.F.R. Part 778. *29 U.S.C. 207(a)(1); 29 C.F.R. 778*

Law Enforcement Officers

No public agency shall be deemed to have violated 29 U.S.C. 207(a) with respect to the employment of any employee in law enforcement activities if:

1. In a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed 171 hours compensation at a rate not less than one and one-half times the regular rate at which he is employed; or
2. In the case of such an employee to whom a work period of at least seven but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 171 hours bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

29 U.S.C. 207(k); 29 C.F.R. 553.230(b)–(c)

Breaks for Nonexempt Employees

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods.

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at the employee's desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. [See DG(LEGAL) for provisions requiring breaks for nursing mothers]

29 C.F.R. 785.18-.19

Compensatory Time
Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or

understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

29 U.S.C. 207(o)(1)-(2), (3)(A); 29 C.F.R. 553.23(c)(1); Christensen v. Harris County, 529 U.S. 576 (2000)

*Payment for
Accrued Time*

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4). 29 U.S.C. 207(o)(3)(B), (4)

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

The Fair Labor Standards Act (FLSA) does not prohibit an employer from compelling the use of accrued compensatory time.

29 U.S.C. 207(o)(5); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. 29 U.S.C. 213(a)(1)

*Administrative
Employee*

The term "employee employed in a bona fide administrative capacity" shall mean any employee:

1. Compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging, or other facilities;
2. Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and

3. Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

29 C.F.R. 541.200(a)

Academic
Administrator

The term “employee employed in a bona fide administrative capacity” also includes an employee:

1. Who is compensated for services on a salary or fee basis at a rate of not less than \$684 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the educational establishment by which employed; and
2. Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

“Performing administrative functions directly related to academic instruction or training” means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. Department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, and the like;
2. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and
3. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

*Professional
Employee*

An “employee employed in a bona fide professional capacity” shall mean any employee:

1. Compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging, or other facilities; and
2. Whose primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

29 C.F.R. 541.300(a)

Faculty

The term “employee employed in a bona fide professional capacity” also means any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term “educational establishment” means an institution of higher education or other educational institution. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include: regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools’ responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher’s certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.204(b), .303

COMPENSATION PLAN
WAGE AND HOUR LAWS

DEAB
(LEGAL)

Other
Professionals

The professional employee exemption also applies to learned professionals, as described by 29 C.F.R. 541.301; creative professionals, as described by 29 C.F.R. 541.302; and employees engaged in the practice of law or medicine, as described by 29 C.F.R. 541.304.

*Computer
Employees*

Computer systems analysts, computer programmers, software engineers, or other similarly skilled workers in the computer field are eligible for exemption as professionals. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

The exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging or other facilities and to any computer employee compensated on an hourly basis at a rate not less than \$27.63 an hour. In addition, the exemption applies only to computer employees whose primary duty consists of:

1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
2. The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties that qualify the employees for exemption under 29 C.F.R. Part 541, Subpart B or Subpart C. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific, or engineering problems of the employer or the employer's customers. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion, or other change of status of the other programmers are

given particular weight, generally meets the duties requirements for the executive exemption.

29 C.F.R. 541.400, .402

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis as described in 29 C.F.R. 541.600, unless the employee is a teacher or the employee holds a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof. Subject to the exceptions listed in 29 C.F.R. 541.602, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. An employer that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Highly
Compensated
Employees

An employee with total annual compensation, as described by 29 C.F.R. 541.601, of at least \$107,432 is deemed exempt if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in 29 C.F.R. Part 541, Subparts B, C, or D. *29 C.F.R. 541.601*

Partial-Day
Deductions

An employee of a public agency who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and that requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the work-week in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

*Safe Harbor
Policy*

If an employer has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the employer will not lose the deduction unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the employer's intranet.

29 C.F.R. 541.603(d)

Wage and Hour
Records

Every employer shall maintain and preserve payroll or other records for nonexempt employees containing the information required by 29 C.F.R. 516.2. *29 C.F.R. 516.2(a)*

**Employee with
Multiple
Appointments**

A full-time employee of an institution of higher education, including a college district, who has appointments to more than one position at the same institution may receive pay for working more than 40 hours in a week if the institution determines that pay in lieu of compensatory time is in the best interests of the institution. *Education Code 51.963*

**Payday Law
Exemption**

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

COMPENSATION PLAN
WAGE AND HOUR LAWS

DEAB
(LOCAL)

Classification of Positions

The College President or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

Exempt

The College District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the College District shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from the employee’s salary in violation of this policy should bring the matter to the College District’s attention, through the College District’s complaint policy. [See DGBA] If improper deductions are confirmed, the College District shall reimburse the employee and take steps to ensure future compliance with the FLSA.

Nonexempt

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. An employee who is paid on a salary basis shall be paid for up to and including a 40-hour workweek.

A nonexempt employee shall have the approval of the employee’s supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

Workweek Defined

For purposes of FLSA compliance, the workweek for College District employees shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday.

Compensatory Time

At the College District’s option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

Accrual

Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 40 hours of compensatory time, the College District shall require the employee to use the compensatory time, or at the College District’s option, the College District shall pay the employee for the compensatory time.

Use

An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the College District shall pay the employee for the compensatory time.

Compensatory time may be used at either the employee's or the College District's option. An employee may use compensatory time in accordance with the College District's leave policies and if such use does not unduly disrupt the operations of the College District. [See DEC(LOCAL)] The College District may require an employee to use compensatory time when in the best interest of the College District.

Administrative Rule

Subject: Employee Type Classifications

TASB Policy: DEAB

Effective Date: August 14, 2023



I. Purpose and Scope

Kilgore College maintains appropriate classifications of employees to ensure all legal requirements are maintained and that there is no discrimination in terms of benefit plan eligibility and payment of compensation in accordance with federal and state laws. The purpose of this procedure is to define the company's employee classifications for benefits eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment relationship at will at any time is retained by both the employee and Kilgore College.

II. Definitions

Employee Classification Types

1. Part-Time Student Assistant

- a. Works up to 29 hours per week
- b. No TRS/benefits
- c. Must be enrolled as full-time student (12 hours) at Kilgore College

2. Part-Time Federal Work Study Student Assistant

- a. Works up to 29 hours per week (or per determined by Financial Aid budget)
- b. No TRS/benefits
- c. Must be enrolled in at least 6 hours at Kilgore College and qualified by the Financial Aid Department

3. Part-Time Staff

- a. Works up to 19 hours per week
- b. No TRS/benefits

4. Part-Time Staff - TRS Eligible

- a. Works 20-29 hours per week consistently
- b. TRS applies (paid through dept budget)

5. Part-Time - TRS Retiree

- a. Works up to 92 hours per month (on average 23 hours per week)

6. Part-Time Adjunct

- a. Adjunct - Works up to 19/wk (based on TRS multiplier*) paid on adjunct schedule. **Hours teaching class per week (*) 2 in most situations*
- b. Part-Time Faculty – Works up to 19/wk; paid on an hourly basis

7. Part-Time Adjunct – TRS Eligible
 - a. Works 20-29 hours* per week consistently (based on TRS multiplier*)
Hours teaching class per week () 2 in most situations
 - b. TRS applies (paid through dept budget)

8. Full-Time (Staff/Faculty)
 - a. Works 36-40 hours consistently per week
 - b. TRS & all benefits apply

Further Definitions

- Consistently – Defined as working the identified hours on a consistent basis over the course of each month. Should a PT employee not work consistently for the college, the employee should be designated as PT Staff.

- TRS – Teachers Retirement System; this is the TX Retirement program. Any employee working consistently over 19 hours per week must be a member of TRS and the college is responsible for paying the TRS premium. Departments utilizing PT TRS Eligible employees will pay the TRS premium from the departmental budget.

- TRS Retiree – A person who has retired from an eligible TRS position and collecting TRS retirement payments. TRS Retirees are eligible to work up to 92 hours per month. Should a TRS retiree work over 92 hours per month, monetary penalties apply to the employer and the employee.

III. Procedures

Managers are responsible to accurately designate which classification an employee should be placed into. This designation may be made using the Salary Data Sheet. Human Resources will verify placements and process necessary changes for the designation. Managers are responsible to monitor employee's hours worked to ensure each employee is meeting the hours requirements for their classification. Managers, or their designee, who misclassify employees or do not monitor working hours properly may be subject to disciplinary actions. Designations to change an employee classification may be done at any time, however, standard practice is for an employee to stay in their classification for an entire fiscal year. Changes will only take effect on the first day of a new pay cycle (the 1st or the 16th of a month)

Administrative Rule

Subject: Compensation and Payroll Practices

TASB Policy: DEAB

Effective Date: August 14, 2023



I. Purpose and Scope

Guidelines for employee compensation plans and payroll practices are outlined below. Refer to board policy DEAB, Legal and Local for all college policies and state and federal regulations governing employee pay practices. The president and designee(s) shall administer the compensation plans consistent with board policies, the annual budget approved by the board, and these administrative guidelines.

II. Definitions

1. Employee Types: See Employee Type Classifications Administrative Rule
2. Compensatory Time: Kilgore College does not allow for employees to receive compensatory time in lieu of overtime. Any hours worked by non-exempt employees will be paid as overtime for hours worked in excess of 40 during a defined work week.
3. Overtime for Nonexempt Employees:
 - a. Overtime work is determined by business needs and is mandatory when required, unless an employee has a legitimate reason for being excused.
 - b. Overtime is actual work hours in excess of forty-hours (40) during a work week. Paid time off (Vacation, Holidays, Sick Time Off, etc.) and any hours not actually worked are not treated as time worked.
 - c. Overtime is permitted only when authorized in advance by the manager or supervisor or is announced as scheduled work time. Failure to report for scheduled overtime is a significant violation of an employee's responsibility and as a result is subject to disciplinary action.
 - d. When overtime is required, a nonexempt employee receives pay at the rate of one and one-half (1½) times their hourly rate of pay for all hours actually worked in excess of forty (40) hours during a work week.
 - e. Nonexempt employees who are required to work on a designated holiday will be compensated regular hours worked, and regular holiday hours.
 - f. Jury duty will be considered as hours worked when calculating weekly hours worked.
4. Stipend Pay Schedule
 - a. Defines additional pay amounts designated for duties or responsibilities in addition to base pay and core job responsibilities.
5. Special Pay
 - a. One-time payments for work performed outside of the normal scope and responsibilities of the employee's regular job. Special pay requests must be authorized by the Manager, Director of Human Resources and the Chief Financial Officer.
6. Rest Periods
 - a. Employees are permitted rest periods throughout the day. Rest Periods "breaks" may be regularly scheduled by the supervisor or manager at set times/intervals, or may be intermittent by the discretion of the supervisor or

manager and based on departmental and College needs. Rest Periods are not required by law but allowed as a benefit to employees to encourage productive and healthy working environment. Employees do not have to clock in/out for rest periods as defined by policy. Rest periods are paid as defined DEA Legal.

7. Meal Periods

- a. Employees are permitted meal periods once per day for a period of thirty (30) minutes up to one (1) hour in length, unless otherwise approved by the supervisor or manager. Meal periods may be regularly scheduled by the supervisor or manager at set times, or may be flexible determined by the supervisor or manager and based on departmental and College needs. Nonexempt employees will clock in/out for meal periods. Meal periods are unpaid as defined DEA Legal.

III. Procedures

Pay and Compensation

Employees of Kilgore College will be paid according to the payroll schedule distributed annually by the Business Office/Payroll Department. All time and leave must be reported according to the deadlines in the payroll schedule. Time not submitted by required deadlines will result in deferral of payment until the next pay period All employees of Kilgore College will be paid through direct deposit.

All jobs will be classified as “exempt” or “nonexempt” in accordance with the requirements of FLSA and will be included on the official job description and documented as such in the employee’s personnel file. In order to be exempt, the position’s primary duties must meet the requirements defined by federal regulations for the executive, administrative, professional, or computer employee exemption test or be a teacher, and the employee must meet applicable federal salary requirements. All employees who do not meet the legal requirements for exemption are classified as nonexempt. Employee work schedules or changes will be communicated to employees by the employee’s manager or supervisor.

Employees are paid on a bi-monthly basis on the fifteenth and last day of each month. For the purpose of payroll distribution, the terms “fifteenth” and “end of month” refer to banking business days, not the last scheduled day of work for an individual. When these dates fall on Saturday, Sunday, or a federal holiday, payment will be made and paychecks and online direct deposit paycheck stubs will be available on the last working day prior to the regular payday. Payroll distribution dates which fall on College holidays may be modified. Any modification will be included in the payroll schedule distributed by the Business Office/Payroll Department.

Classification of Positions

Full-Time Employees and Faculty:

Full-time employees will receive their paychecks/online direct deposit paycheck stubs on the fifteenth and end of the month.

Full-time employees are paid on the fifteenth of the month for work performed the first through the fifteenth of that month and at the end of the month for work performed the sixteenth through the end of that month.

Should employment of a full-time employee be terminated for any reason, the pro-rata part for the pay due, based on the fractional part of the school year expired, will be paid, less any legally required deductions.

Full-Time Nonexempt Employees:

Nonexempt employees are often thought of as hourly employees; however, there is no requirement that they be paid on an hourly basis. Under the FLSA, nonexempt employees can be paid hourly or be paid a salary as long as their weekly compensation equals at least minimum wage for all hours worked and overtime is paid for hours in excess of 40 in a workweek. Employees are paid on a salary basis, thus considering them "salaried nonexempt." Kilgore College chooses to pay full-time nonexempt employees a salary. Employees will accurately track and record actual time worked by clocking in and out using the timekeeping system. Punches will round to the nearest 5-minute increment.

Payment of overtime wages will be paid on the payroll following the period in which the time is incurred.

Deductions to wages will occur in a future period should a nonexempt employee not have enough hours of paid time off to cover the full salary for the pay period.

Full-Time Exempt Employees

Employees will accurately enter time off on the employee timecard.

Full-Time Exempt Faculty Employees:

Employees will accurately enter time off on the employee timecard.

All regular nine-month faculty employees will be paid in twenty-four equal payments, beginning September of each fiscal year.

Part-Time Employees

Part-Time Nonexempt Employees

Employees will accurately clock in and out using the timekeeping system. Punches will round to the nearest 5-minute increment. Part-time nonexempt employees are paid on the fifteenth and end of the month. The payment on the fifteenth will cover hours worked in the previous month from the sixteenth through the end of the month. The payment at the end of the month will cover hours worked the first through the fifteenth of the same month.

Adjunct/Part-Time Faculty

Adjunct faculty will be paid according to the schedule published by the Business Office/Payroll Department in accordance with the Adjunct/Overload Pay Sheet submitted by the Dean.

Should employment of a part-time employee be terminated for any reason, the employee will be paid for hours worked since the last pay period to the time of termination, less any legally required deductions.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DH Employee Standards of Conduct

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. KC has current policies in place that cover Employee Ethics, Alcohol and Drugs, Electronic Media {TASB - CR} and are in compliance with each.

Revisions to the recommended LOCAL policy are requested:

- The TASB LOCAL policy indicates that tobacco use is prohibited on campus. This section has been revised to reflect KC practice, which does not prohibit tobacco use on campus but only in designated areas. (see revisions in red on page 3)
- The TASB LOCAL policy includes the Texas Community College Teachers Association of Professional Ethics policy as guidance for "Ethical Standards." Kilgore College will, instead, continue to follow the Employee Ethics policy approved by BOT on 12/16/2019 and not adopt the provision to follow the TCCTA provision. (see revisions in red on page 2-3)
- TASB LOCAL has been amended to add a clause prohibiting Consensual Relationships between employees and students, in most situations.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

Public Servants	All college district employees are public servants and therefore subject to Title 8 of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). [See DBD and BBFA] <i>Penal Code 1.07(a)(41), Title 8</i>
Low-THC Cannabis	A municipality, county, or other political subdivision, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487.201. <i>Health and Safety Code 487.201</i>
Hemp	A municipality, county, or other political subdivision of this state, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by Agriculture Code Chapter 122. <i>Agriculture Code 122.002</i>
Dextromethorphan	A political subdivision of this state, including a college district, may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. An ordinance, order, rule, regulation, or policy described by this section is void and unenforceable. <i>Health and Safety Code 488.005</i>
Drug and Alcohol Abuse Program	A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by:
Federal Drug-Free Workplace Act	<ol style="list-style-type: none"> 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of the prohibition [see DI(EXHIBIT)]; 2. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug abuse violations; 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by item 1; 4. Notifying the employee in the statement required by item 1 that as a condition of employment in the grant the employee

will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;

5. Notifying the granting agency within ten days after receiving notice under item 4 from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of items 1 to 6.

41 U.S.C. 8103(a)(1)

**Sex Offender
Registration**

Not later than the later of the seventh day after the date on which the person begins to work or the first date the applicable authority by policy allows the person to register, a person required to register under Code of Criminal Procedure Chapter 62 who is employed or carries on a vocation at a public or private institution of higher education in this state shall report that fact to:

1. The authority for campus security for that institution; or
2. If an authority for campus security for that institution does not exist the local law enforcement authority of:
 - a. The municipality in which the institution is located; or
 - b. The county in which the institution is located, if the institution is not located in a municipality.

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

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the institution any information received from the person under Code of Criminal Procedure 62.153 and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

1. An authority for campus security; or
2. A local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

[See also GCA]

Code of Criminal Procedure 62.153(a)–(d), (f)

**Public Information
on a Privately-
Owned Device**

A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:

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); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under Government Code 552.004(a).

Gov't Code 552.004(b) [See CIA and GCB]

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Ethical Standards

The College District holds all employees to the following ethical standards.

All employees of Kilgore College will hold themselves and each other to the following code of ethics and ethical standards. The Code of Conduct shall apply to all faculty members, staff, and volunteers both while they are on the premises of the College District and when they are away representing the College District or attending a College District function.

The goal shall be to promote a safe, orderly, efficient, and effective educational institution with an ideal work climate for all employees.

1. Treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as race, color, religion, national origin, sex, age, disability, marital status, veteran status, or genetic information.
2. Strive to help each student realize his or her full potential as a learner and as a human being.
3. By example and action, encourage and defend the unfettered pursuit of truth by employees and students supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
4. Work to enhance cooperation and collegiality among students, faculty, administrators, Board members, and other personnel.
5. Recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor that might damage or embarrass, violate the privacy of any other person.
6. Maintain competence through continued professional development, demonstrate that competence through consistently adequate preparation and performance, and seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

7. Work cooperatively and respectfully with all Board members, employees, and students, and act in the best interest of the College as a whole.
8. Make the most judicious and effective use of the College's time and resources.
9. Fulfill the employment agreement both in spirit and in fact, give reasonable notice upon resignation, and neither accept tasks for which we are not qualified nor assign tasks to unqualified persons.
10. Support the goals and ideals of the College and act in public and private affairs in such a manner as to bring credit to the College.
11. Refrain from accepting or soliciting any gift, favor, service, or benefit that we should reasonably know is offered with the intent to influence our decisions or actions. Likewise, refrain from soliciting, accepting, or agreeing to accept any unauthorized personal gifts, services, or other benefits from having exercised the powers and responsibilities of our official positions.
12. Refrain from engaging in sexual harassment or sexual violence of students, colleagues, or any other person, including at off-campus activities and events, and adhere to the College's Anti-Harassment & Complaint Policy.
13. Observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.
14. Support the right of all employees to academic freedom and due process.
15. Refrain from supporting the continuation of employment by the College of an individual whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
16. Participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.

Violations

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]

Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

Record Retention An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]

Personal Use Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Safety Requirements All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

**Tobacco and
E-cigarettes**

Smoking/tobacco products, including electronic cigarettes, are allowed in designated outdoor areas only. Such products are prohibited in all other areas as well as inside all facilities and vehicles owned, leased or operated by the College District. College District regulations and municipal ordinances apply equally to all College faculty, staff, students, administration, and visitors. Everyone is expected to dispose of cigarettes properly. [See FLBD]

An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.

Alcohol and Drugs

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

Employees shall be prohibited from using, possessing, controlling, manufacturing, transmitting, distributing, dispensing, selling, or being under the influence of any of the following substances while conducting College District business or while on College District property, in College District vehicles, or at College District-related activities, whether during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.

EMPLOYEE STANDARDS OF CONDUCT

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3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any performance-enhancing substance, including steroids.
5. Any designer drug.
6. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

An employee need not be legally intoxicated to be considered “under the influence” of alcohol or a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, controls, sells, transmits, distributes, or dispenses a substance listed above as part of the employee’s job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use;
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or
5. Possesses, sells, or distributes Dextromethorphan.

Paraphernalia

The use, possession, control, manufacture, transmission, distribution, dispensation, or sale of paraphernalia related to any prohibited substance is prohibited.

Notice

Each employee shall be given a copy of the College District’s notice regarding a drug-free workplace. [See DI(EXHIBIT)]

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify the employee’s immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;

3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

Consensual Relationships

Consensual dating, romantic, or sexual relationships between employees, or an employee and a student, can create significant problems, conflicts of interest, and/or appearances of impropriety that impair the workplace or educational environment. The College District strongly discourages such relationships and any conduct that might reasonably be expected to lead to a dating, romantic, or sexual relationship.

Consensual dating, romantic, or sexual relationships between individuals in unequal positions are inherently problematic, may lead to potential claims of sexual or other harassment, and are potentially inconsistent with the College District's mission and purpose. A College District employee is prohibited from engaging in any consensual romantic or sexual relationship with:

1. A student or student-employee to whom the employee has responsibilities to teach, advise, coach, supervise, counsel, evaluate, or otherwise facilitate the student's academic career or any extracurricular activity; or
2. Any employee or member of the College District community in which the employee has any direct or indirect supervisory responsibilities.

A violation of this policy may be cause for disciplinary or corrective action up to and including termination of employment.

Complaints may be initiated by any student, employee, or other member of the College District community who is or has been in a romantic or sexual relationship or who is or has been the subject of overt romantic or sexual advances, or by third parties who allege they have been specifically adversely affected by such a relationship. [See DGBA and DIAA]

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

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

Summary of LOCAL Policy:

This LOCAL policy was reviewed by Administration to ascertain compliance. KC began training for employees in Spring 2023 with materials created by Texas Department of Family and Protective Services. All employees have been trained in their responsibility in reporting suspected abuse or neglect of a child.

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

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

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

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

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

All Employees

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

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

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

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

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

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LEGAL)

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

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

Family Code 261.101(b)

Appropriate Agency
to Receive Reports

A report shall be made to:

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

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

Family Code 261.103

**Adverse
Employment Action
Prohibited**

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

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

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

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

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

Family Code 261.110(a)–(b)

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LOCAL)

Reporting

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 48 hours after the professional first has reasonable cause to believe the abuse or neglect has occurred or may be occurring. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the President or another College District staff member. The College District shall

not require an employee to first report the employee's suspicion to a College District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and shall be disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failure to Report

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities
Regarding
Investigations**

In accordance with law, College District officials shall be prohibited from:

1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;
2. Requiring a parent or College District employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.

**Adverse
Employment Action
Prohibited**

The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in good faith reports child abuse or neglect or participates in a related investigation.

Training

The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LOCAL)

¹ Texas Abuse Hotline Website: <https://www.txabusehotline.org>

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DI Employee Welfare (*update 29*)

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. This policy outlines legal standards for employee rights and protections.

KC is in compliance with all but the Hazard Communications Act. SDS Sheets are kept by Facilities. Training for hazardous chemicals is completed at the divisional level as necessary. A hazard communication program is being developed and mandatory postings have been made.

Exhibit:

- Drug-Free Workplace Notice {DI(Exhibit)-LJC}

EMPLOYEE WELFARE

DI
(LEGAL)

Wellness Programs	A covered entity, including a college district, may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program available to employees at the work site in accordance with 29 C.F.R. 1630.14(d). <i>29 C.F.R. 1630.14(d)</i>
ADA	
GINA	The general prohibition against requesting, requiring, or purchasing genetic information does not apply where a covered entity offers health or genetic services, including such services offered as part of a voluntary wellness program as described by 29 C.F.R 1635.8(b). <i>29 C.F.R 1635.8(b)</i>
State Law	
<i>Definitions</i>	
"Employee"	"Employee" means a person who, for compensation, performs services for an employer under a written or oral contract, whether express or implied. <i>Civ. Prac. Rem. Code 142A.001(1)</i>
"Employee Wellness Program"	"Employee wellness program" means a program established by an employer that provides an incentive to an employee that promotes wellness or a healthy lifestyle. <i>Civ. Prac. Rem. Code 142A.001(2)</i>
Limitation on Liability	A civil action may not be brought against an employer for establishing, maintaining, or requiring participation in an employee wellness program unless: <ol style="list-style-type: none"> 1. The program discriminates on the basis of a prior medical condition, gender, age, or income level; or 2. The cause of action is based on intentional or reckless conduct. <p><i>Civ. Prac. Rem. Code 142A.002(a)</i></p>
State Agency Veteran's Liaison	Each state agency, including each college district, that has at least 500 full-time equivalent positions shall designate an individual from the agency to serve as a veteran's liaison.
	A state agency that has fewer than 500 full-time equivalent positions may designate an individual from the agency to serve as a veteran's liaison.
	Each state agency that designates a veteran's liaison shall make available on the agency's Internet website the liaison's individual work contact information.
	<i>Gov't Code 657.0046</i>
Hazard Communication Act	
Notice	An employer, including a college district, shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under this chapter. If the Texas Department of State Health Services (DSHS) does not prepare the notice under Health and Safety Code 502.008, the employer shall

prepare the notice promulgated by DSHS in the workplace. *Health and Safety Code 502.017(a)*

Education and
Training

An employer shall provide an education and training program for employees who use or handle hazardous chemicals. "Employee" means a person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies, and includes a person working for a political subdivision of this state. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), .009(a)*

An employer shall develop, implement, and maintain at the workplace a written hazard communication program for the workplace in accordance with Health and Safety Code 502.009. An employer shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Those records shall be maintained for at least five years by the employer. The department shall have access to those records and may interview employees during inspections. *Health and Safety Code 502.009(g)*

Workplace
Chemical List

For the purpose of worker right-to-know, an employer shall compile and maintain a workplace chemical list that contains the information described by Health and Safety Code 502.005 for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds or in excess of an amount that the HHSC executive commissioner determines by rule for certain highly toxic or dangerous hazardous chemicals. The workplace chemical list may be prepared for the workplace as a whole or for each work area or temporary workplace and must be readily available to employees and their representatives. All employees shall be made aware of the workplace chemical list before working with or in a work area containing hazardous chemicals. *Health and Safety Code 502.005(a), (c)*

The employer shall update the workplace chemical list as necessary but at least by December 31 each year. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. An employer shall maintain a workplace chemical list for at least 30 years. *Health and Safety Code 502.005(b), (d)*

Labeling

A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not

conform to the OSHA standard or other applicable labeling requirement. Primary containers must be relabeled with at least the identity appearing on the safety data sheets (SDS), the pertinent physical and health hazards, including the organs that would be affected, and the manufacturer's name and address. Secondary containers must be relabeled with at least the identity appearing on the SDS and appropriate hazard warnings. *Health and Safety Code 502.007(a)*

Exception

An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. *Health and Safety Code 502.007(b)*

Safety Data Sheets

An employer shall maintain a legible copy of a current manufacturer's SDS for each hazardous chemical purchased. If the employer does not have a current SDS for a hazardous chemical when the chemical is received at the workplace, the employer shall request an SDS in writing from the manufacturer or distributor in a timely manner or shall otherwise obtain a current SDS. Safety data sheets shall be readily available, on request, for review by employees or their designated representatives at each workplace. *Health and Safety Code 502.006(b)–(c)*

Protective
Equipment

Employees shall be provided with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

Note: For information on the emergency administration of epinephrine, see policy CGE.

EMPLOYEE WELFARE

DI
(LOCAL)

**Drug-Free
Awareness Program**

The College District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. The College District's policy of maintaining a drug-free environment. [See DH(LOCAL)]
3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions.

**Employee
Responsibility**

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

Drug-Free Workplace Notice

The college district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace.

Employees who violate this prohibition will be subject to disciplinary sanctions. Sanctions may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment with the college district; and
- Referral to appropriate law enforcement officials for prosecution.

As a condition of employment, an employee must:

- Abide by the terms of this notice; and
- Notify the college president, in writing, if the employee is convicted for a violation of a criminal drug statute occurring in the workplace. The employee must provide the notice in accordance with college district policy.

This notice complies with the requirements of the federal Drug-Free Workplace Act (41 U.S.C. 8103).

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DMC Termination of Employment - Reduction in Force

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. "Reduction in Force" Policy was approved by the BOT on 6/8/2020. This KC policy aligns with the proposed TASB policy and outlines the College procedures in the event a reduction in force is required due to financial constraints or program change.

TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE

DMC
(LOCAL)

Definitions

Definitions used in this policy are as follows:

1. "Reduction in force (RIF)" means the dismissal of an instructor, professor, administrator, or other professional employee before the end of a contract term for reasons of financial exigency or program change. Nonrenewal of an employee's term contract is not a "reduction in force" as used in this policy.
2. "Financial exigency" means any decline in the Board's financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the College District to reduce financial expenditures for personnel.
3. "Program change" means any elimination, curtailment, or reorganization of a curriculum offering, program, or College District operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more divisions or departments.

General Grounds for Dismissal

All contracts shall, unless excepted by the Board, contain a provision that a reduction in force may take place when the Board determines that a financial exigency or program change requires that the contract of one or more instructors, administrators, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal.

Employment Areas

A reduction in force may be implemented in one, several, or all employment areas. Employment areas shall be defined as:

1. Administration.
2. Associate degree programs.
3. Certificate degree programs.
4. Remedial and other programs.
5. Academic support programs, such as library or computer programs.
6. Counseling and support programs.
7. Other noninstructional professional staff.

Criteria for Decisions

Using the following criteria, the College President shall determine which particular employees shall be RIFed and shall submit the recommendation to the Board:

1. Certification: Appropriate degree certificate and/or endorsement for current assignment required by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or the Coordinating Board.
2. Performance: Employee's effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.
3. Seniority: Years of service in the College District.
4. Professional Background: Professional education and work experience related to the current assignment.

These criteria are listed in order of importance. The College President shall apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the certification criteria, it is not necessary to apply the performance or subsequent criteria.

Board Action

After considering the College President's recommendation, the Board shall determine which employees shall be dismissed. Each employee shall be given a statement of the reasons and conditions requiring such dismissal and shall, upon request, be given a hearing in accordance with the policy for termination during his or her contract. [See DMAA]

Appeals

Appeals of a dismissal due to a reduction in force shall be handled through the hearing afforded under DMAA rather than the grievance policy.

Exception

Appeals of a dismissal due to a reduction in force of a former foster child entitled to an employment preference shall be handled through the hearing afforded under DC. [See DC]

**Rights of Employees
Subject to RIF**

An employee dismissed pursuant to this policy, if subsequently re-employed by the College District, shall be credited with the amount of local sick leave that had accrued at the time of dismissal.

Reemployment

Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the College District has been notified in writing of a change of address. A former employee so notified must respond to the Board in writing within ten calendar days of receipt of such notifica-

TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE

DMC
(LOCAL)

tion if the person wishes to be considered for the position. Any individual who responds shall be considered for employment on the same basis as all other applicants.

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DMD Resignation

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance.

“Resignation/Retirement” policy approved by the BOT 6/19/2017 has been incorporated into an Administrative Rule to outline procedures surrounding the exit from employment of employees. The Director of Human Resources has been designated as authorized to accept employee resignation notices on behalf of the college.

Procedures:

Administrative Rule:

1. Resignation and Retirement

TERMINATION OF EMPLOYMENT
RESIGNATION

DMD
(LOCAL)

**General
Requirements**

All resignations shall be submitted in writing to the College President or other person designated by the Board in accordance with this policy. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A pre-paid certified or registered letter of resignation shall be considered submitted upon mailing.

If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the College President or other person designated by the Board.

Contract Employees

End of Contract
Term

Any employee serving under a term contract may resign the employee's position and leave the employment of the College District effective at the end of the contract term without penalty, provided the employee submits a letter of resignation, in accordance with administrative regulations and the provisions at General Requirements, above.

The College President or other person designated by Board action shall be authorized to accept a term contract employee's resignation effective at the end of the contract term.

Prior to End of the
Contract Term

An employee serving under a term contract wishing to resign prior to the end of the contract term must submit a letter of resignation in accordance with the provisions at General Requirements. The consent of the Board or other person designated by Board action is required for resignations effective prior to the end of the contract term.

At-Will Employees

The College President or designee shall be authorized to accept the resignation of an at-will employee at any time. The College President may delegate to other administrators the authority to accept a resignation of an at-will employee.

Board Report

At the next Board meeting, the College President shall provide to the Board a list of the employees who have resigned since the last Board meeting.

**Withdrawal of
Resignation**

Once submitted and accepted, the resignation of an employee serving under a term contract may not be withdrawn without the consent of the Board.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: ECC Instructional Arrangements – Course Load and Schedules

Summary of LOCAL Policy:

This policy requires the college to have a student course load policy in place as well as addressing any exceptions.

Procedures:

- The College does have its scholastic load procedure, including how the institution will address any exceptions, outlines in the Kilgore College Catalog and Student Handbook.
- The contents of the Kilgore College Catalog and Student Handbook are reviewed and considered for approval by the Board on an annual basis.
- The paragraph from the Kilgore College Catalog and Student Handbook outlining scholastic load has been inserted in the attached local policy.

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULESECC
(LEGAL)

Limit on Enrollment To ensure the quality of student learning, institutions, including college districts, should not allow students to carry more courses in any term (that is, regular or shortened semester), that would allow them to earn more than one semester credit hour per week over the course of the term. Institutions should have a formal written policy for addressing any exceptions to this paragraph. *19 TAC 4.6 (b)–(c)*

Adding / Dropping Courses Courses at public community colleges may be added by students up to and including the official census date. A student may not enroll in a course after that date.

Courses at public community colleges may be dropped and a student entitled to a refund of tuition and fees as outlined under 19 Administrative Code 21.5 [see FD].

Education Code 130.009; 19 TAC 9.31

Limitation on the Number of Dropped Courses This section applies only to an undergraduate student who drops a course at an institution of higher education, including a college district, and only if:

1. The student was able to drop the course without receiving a grade or incurring an academic penalty;
2. The student's transcript indicates or will indicate that the student was enrolled in the course; and
3. The student is not dropping the course in order to withdraw from the institution.

An institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under the circumstances described above.

The governing board of an institution of higher education may adopt a policy under which the maximum number of courses a student is permitted to drop under circumstances described above is less than six courses.

Education Code 51.907(b)–(d), 19 TAC 4.3(11), .9(a)

Exceptions
Good Cause

An institution of higher education shall permit an undergraduate student to drop more courses than the six courses permitted to be dropped under Education Code 51.907(c) or the courses permitted to be dropped under a board policy adopted under Section 51.907(d) if good cause exists for dropping more than that number, including:

1. The student's showing of:

- a. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
 - b. The student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;
 - c. The death of a person who is either considered to be a member of the student's family or is otherwise considered to have a sufficiently close relationship to the student, as defined below, that the person's death is considered to be a showing of good cause;
 - d. The active duty service as a member of the Texas National Guard or the Armed Forces of the United States of either the student or a person who is considered to be a member of the student's family or a person who is otherwise considered to have a sufficiently close relationship to the student, as described below;
 - e. The change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
 - f. Other good cause as determined by the institution of higher education; or
2. A disaster declared by the governor under Government Code 418.014 resulting in cessation or limitation of in-person course attendance by students at the institution of a duration determined by the institution to significantly affect the student's ability to participate in coursework with consideration of the length of time of the cessation or limitation of in-person course attendance, the type of courses, and the personal circumstances of students affected by the disaster.

Notwithstanding any other provision in Section 51.907, an institution of higher education may not count toward the number of courses permitted to be dropped under Section 51.907(c) or a policy adopted under Section 51.907(d) a course dropped by a student during the 2020 spring semester or summer term or the 2020–2021 academic year because of a bar or limit on in-person course attendance at the institution during the applicable semester or term due to the coronavirus disease (COVID-19) pandemic.

Education Code 51.907(e), (e-2); 19 TAC 4.9(a)

Definitions

For purposes of this exception, a “member of the student’s family” is defined to be the student’s spouse, child, grandchild, father,

mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, stepparent, stepchild, or stepsibling.

A “person who is otherwise considered to have a sufficiently close relationship to the student” is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student for approval by the institution, on a case-by-case basis.

19 TAC 4.9(b)

Policy for
Determining
Good Cause
Required

Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as described above and shall provide a copy of the policy to the Coordinating Board.

Each institution of higher education shall publish the policy adopted in its catalogue and other print and internet-based publications as appropriate for timely notification of students.

19 TAC 4.9(d)–(e)

*Reenrolled
Students*

An institution of higher education shall permit an undergraduate student a total of more than six dropped courses if the enrollment is for a student who qualifies for a seventh course enrollment, who:

1. Has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and
2. Successfully completed at least 50 semester credit hours of coursework at an institution of higher education that are not exempt from the limitation on formula funding set out in 19 Administrative Code 13.104(1)–(6) before that break in enrollment.

Education Code 51.907(e-1); 19 TAC 4.9(a)

Determining
Number of Courses
Dropped

In determining the number of courses dropped by a student for purposes of this section, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if:

1. Concurrent enrollment in both courses is required; and
2. In dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled.

Education Code 51.907(f)

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

Course Load

As per the College District catalog and student handbook, during the long semester, the normal course load is five academic courses or 15 to 17 semester hours. In addition to the normal load, students may take up to four semester hours in music-Applied (MUAP) and kinesiology activity (KINE). When students earn a 2.25 grade point average (GPA) or greater during a long semester or summer term, they qualify to take a total of six courses or 18-20 semester hours during the following semester. For classes taken in an eight-week format during the fall and spring semesters, the maximum class load is approximately half of what would be taken during a 16-week format. The maximum course load during a summer term is eight semester hours for each term. Students may enroll in only one mini-term course at a time. Students who are employed or who have family responsibilities are cautioned to consider carefully the course load they take. Students who are overly extended are likely to have scholastic difficulties. Students should contact the dean for their major to request permission to add hours above the maximum scholastic load.

**Limitation on
Number of Dropped
Courses**

A College District student shall not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

**Exceptions for
Good Cause**

A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;

6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;
7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course;
8. A disaster declared by the governor that prevents or limits in-person course attendance for a period determined by the College District, in accordance with law, to significantly affect the student's ability to participate in coursework; or
9. Other good cause as determined by the College District.

Exception for
Reenrolled
Students

A qualifying reenrolled student may drop a seventh course in accordance with law.

Exception for
COVID-19
Pandemic

A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

Procedures

The College President, in conjunction with the vice president of instruction/CAO and the vice president of student services, shall develop procedures to implement this policy and shall publish the procedures in the College District catalog and student handbook.

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Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: EFB Curriculum Design - Degrees and Certificates

Summary of LOCAL Policy:

The KC Board approves all new degrees or certificates prior to those awards being offered at the College. Both the KC electronic catalog and website have a complete listing of KC's instructional programs and the courses/course sequencing required to be granted the credential.

Definitions

Certificate

Unless otherwise specified in Coordinating Board rules for the purpose of 19 Administrative Code Chapter 2, “certificate” means a grouping of subject matter courses, which when satisfactorily completed by a student, will entitle the student to a certificate or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level. Under Chapter 2, certificate includes a post-baccalaureate certificate and excludes an associate’s degree unless otherwise provided. *19 TAC 2.3(8)*

Degree Program

A “degree program” is any grouping of subject matter courses, which when satisfactorily completed by a student, will entitle that student to an associate’s or bachelor’s degree. *19 TAC 2.3(14)*

Texas Classification
of Instructional
Programs (CIP)
Coding System

The “Texas Classification of Instructional Programs (CIP) Coding System” is the Texas adaptation of the federal Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data. The eight-digit CIP codes define the authorized teaching field of the specified program, based upon the occupation(s) for which the program is designed to prepare its graduates. *19 TAC 2.3(30)*

**Degree-Seeking
Students**

A student who is concurrently enrolled at more than one institution of higher education may be classified as a degree-seeking student at only one institution.

If a student maintains continuous enrollment from a spring semester to the subsequent fall semester at an institution at which the student has declared to be seeking a degree, the student remains a degree-seeking student at that institution regardless of the student’s enrollment during the intervening summer session(s) at another institution.

19 TAC 4.28(d)(2)–(3)

Program Planning

Prior to an institution, including a college district, seeking approval for a new degree program from its governing board, each institution’s chief academic officer, or delegate, shall provide notification to board staff of the institution’s intent to engage in planning for a new degree program. The planning notification shall contain the following information:

1. The title of the degree;
2. The degree designation;
3. CIP code; and
4. Anticipated date of submission.

Not later than 60 days after Coordinating Board staff receives the planning notification, Coordinating Board staff shall provide to that institution a report including available labor market information and other relevant data to inform the institution's planning for the proposed program, including data about the number of similar programs approved in an area likely to be served by the applicant institution.

19 TAC 2.41

**Program Approval
Types**

The Coordinating Board requires each institution, including each college district, to obtain one of the types of approval for a certificate or degree program described below. No approval is required for new tracks of study in an existing degree program, and tracks of study are not listed as separate degree programs in the program inventory. *19 TAC 2.4*

Notification Only

Notification Only approval is obtained when the institution of higher education successfully submits and receives confirmation of its submission to Coordinating Board staff. *19 TAC 2.4(1)*

*Assistant
Commissioner
Approval*

A proposed program subject to assistant commissioner approval may be approved by the assistant commissioner if the program is administratively complete as described in 19 Administrative Code 2.6 and meets all the requirements established by rule as determined by the assistant commissioner.

There are two types of assistant commissioner approval depending on the type of action the institution requests:

1. A proposed program subject to assistant commissioner approval shall receive regular review unless the institution's request is eligible for expedited review.
2. An institution submits for review and approval the information required by rule and obtains approval from Coordinating Board staff once staff confirms that the institution's request is administratively complete, and the assistant commissioner confirms that the institution's request qualifies for expedited review. This type of review is authorized only where expressly indicated in rules under 19 Administrative Code Chapter 2.

If the assistant commissioner recommends denial of a program or does not take action to approve the program within six months of Coordinating Board staff's determination that the program proposal is administratively complete, then the program approval will be subject to the process for commissioner approval.

19 TAC 2.4(2)

*Commissioner
Approval*

The assistant commissioner designated to approve academic programs under 19 Administrative Code Chapter 2 will forward a program subject to commissioner approval to the commissioner for review and approval. A proposed program subject to commissioner approval may be approved by the commissioner if the program is administratively complete as described in 19 Administrative Code 2.6 and meets all the requirements established by rule as determined by the commissioner. This type of approval will include a Coordinating Board staff recommendation about whether the program meets all the requirements established by rule.

If the commissioner does not approve or deny the proposal within nine months of Coordinating Board staff's determination that the proposal is administratively complete, the proposal will move to Coordinating Board approval.

At the commissioner's sole discretion, the commissioner may elect to require board approval of the proposed program. Board approval must occur not later than one year after the institution's application was administratively complete.

19 TAC 2.4(3)

Board Approval

A program that is subject to board approval as indicated in rules under 19 Administrative Code Chapter 2 will be considered at a Coordinating Board meeting not later than the first anniversary of Coordinating Board staff's determination that the application for the proposed program is administratively complete. This type of approval will include a recommendation from the commissioner about whether the program satisfies the requirements of statute and rule for approval.

Coordinating Board staff shall review the required criteria for each proposed program and provide a recommendation to the commissioner. Coordinating Board staff's recommendation shall include a summary and analysis of whether the proposed program meets each of the required criteria for approval.

The commissioner shall review Coordinating Board staff's recommendation and make a determination about whether to recommend approval of the proposed program to the Coordinating Board. Coordinating Board staff shall notify the institution of the commissioner's decision about whether to recommend the program.

If the commissioner recommends denial of the program, Coordinating Board staff shall notify the institution and provide ten business days in which the institution may request in writing final consideration from the Coordinating Board. If the institution requests final

consideration from the Coordinating Board, Coordinating Board staff shall place the proposed program on the Coordinating Board agenda for consideration at the next Coordinating Board meeting not later than one year later than the program is determined administratively complete.

If Coordinating Board staff does not receive a request for Coordinating Board consideration within ten business days from the date the institution was notified of the commissioner's recommendation for denial of the program, the application shall be considered withdrawn.

The Coordinating Board shall consider the proposal at a Coordinating Board meeting not later than the first anniversary of Coordinating Board staff's determination that the application for the proposed program is administratively complete. The Coordinating Board's decision to approve or deny the proposed program is final and may not be appealed. If the Coordinating Board denies approval, an institution may resubmit a request for approval of the proposed program not sooner than one year from the date of the Coordinating Board's decision. If the Coordinating Board fails to approve or deny the program by the first anniversary after Coordinating Board staff deems the proposal administratively complete, the program is considered approved by operation of law.

19 TAC 2.4(4)

Completed
Application

An institution must submit a fully completed application for each proposed program for which approval is required that includes:

1. Each element or item of information required by 19 Administrative Code Chapter 2, Subchapter A;
2. Each element or item of information required by the provisions in 19 Administrative Code Chapter 2 governing the type of program approval required;
3. The required Coordinating Board form for the type of program approval required; and
4. Fully executed certifications.

Coordinating Board staff shall determine whether an application is administratively complete and notify the institution not later than the fifth business day after receipt.

If Coordinating Board staff determines that the application is incomplete or additional information or documentation is needed, the institution must respond with all of the requested information or

documentation within ten business days or the request will be deemed incomplete and returned to the institution.

An institution may resubmit an application that was returned as incomplete as soon as it has obtained the requested information or documentation. This submission will be considered a new application.

19 TAC 2.6

Opportunity to
Comment

As soon as practicable, but not later than the 60th day after an institution submits an administratively complete application for approval, the Coordinating Board shall provide informal notice and opportunity for comment to other institutions of higher education in the local community that offer substantially similar programs. When considering whether to approve a program requiring approval, the assistant commissioner, commissioner, or Coordinating Board shall consider the comments that the noticed institutions provide to the Coordinating Board. *19 TAC 2.7(a), (c)*

Criteria for Approval

In addition to any criteria specified in statute or 19 Administrative Code Chapter 2 for a specific program approval, the assistant commissioner, commissioner, or Coordinating Board, as applicable, shall consider the following factors:

1. Evidence that the program is needed by the state and the local community, as demonstrated by student demand for similar programs, labor market information, and value of the credential;
2. Whether the program unnecessarily duplicates programs offered by other institutions of higher education or private or independent institutions of higher education, as demonstrated by capacity of existing programs and need for additional graduates in the field;
3. Comments provided to the Coordinating Board from institutions noticed under 19 Administrative Code 2.7;
4. Whether the program has adequate financing from legislative appropriation, funds allocated by the Coordinating Board, or funds from other sources;
5. Whether the program's cost is reasonable and provides a value to students and the state when considering the cost of tuition, source(s) of funding, availability of other similar programs, and the earnings of students or graduates of similar credential programs in the state to ensure the efficient and effective use of higher education resources;

6. Whether the program has necessary faculty and other resources including support staff to ensure student success;
7. Whether and how the program aligns with the metrics and objectives of the Coordinating Board's Long-Range Master Plan for Higher Education;
8. Whether the program meets academic standards specified by law or prescribed by Coordinating Board rule, including rules adopted by the Coordinating Board for purposes of this section, or workforce standards established by the Texas Workforce Investment Council; and
9. Past compliance history and program quality of the same or similar programs, where applicable.

In the event of conflict between these provisions and a more specific provision regarding program approval, the more specific provision shall control.

19 TAC 2.5

Revisions and
Modifications
Substantive

Substantive revisions and modifications that materially alter the nature of the program, physical location, or modality of delivery, as determined by the assistant commissioner, include, but are not limited to, changing the location of the program and changing the funding from self-supported to formula-funded or vice versa.

For a program that initially required Coordinating Board approval beginning as of September 1, 2023, any substantive revision or modification to that program will require Coordinating Board approval under 19 Administrative Code 2.4. For all other programs, including programs that initially required Coordinating Board approval prior to September 1, 2023, any substantive revision or modification will require assistant commissioner approval under 19 Administrative Code 2.4(a)(2).

19 TAC 2.9(a)–(b)

Nonsubstantive

Nonsubstantive revisions and modifications that do not materially alter the nature of the program, location, or modality of delivery, as determined by the assistant commissioner, include, but are not limited to:

1. Increasing the number of semester credit hours of a program for reasons other than a change in programmatic accreditation requirements;
2. Consolidating a program with one or more existing programs;
3. Changing the modality of the program;

4. Altering any condition listed in the program approval notification;
5. Changing the CIP code of the program;
6. Increasing the number of semester credit hours if the increase is due to a change in programmatic accreditation requirements;
7. Reducing the number of semester credit hours, so long as the reduction does not reduce the number of required hours below the minimum requirements of the institutional accreditor, program accreditors, and licensing bodies, if applicable;
8. Changing the degree title or designation; and
9. Other nonsubstantive revisions that do not materially alter the nature of the program, location, or modality of delivery, as determined by the assistant commissioner.

The nonsubstantive revisions and modifications in items 1 to 5 are subject to assistant commissioner approval regular review under 19 Administrative Code 2.4. All other nonsubstantive revisions and modifications are subject to assistant commissioner approval expedited review under 19 Administrative Code 2.4(a)(2)(B).

19 TAC 2.9(c)–(d)

Implementation
Deadline

Unless otherwise stipulated at the time of approval, if an approved new degree program is not established within two years of approval, that approval is no longer valid. An institution may submit a request to the assistant commissioner for approval to lengthen that time limit by one additional year for a compelling academic reason. The assistant commissioner has discretion to approve or deny the request.

Unless otherwise stipulated at the time of approval, if approved administrative changes are not implemented within two years of approval, that approval is no longer valid.

19 TAC 2.8(a)–(b)

Program Audit and
Noncompliance

Coordinating Board staff reserves the right to audit an institution's program at any time to ensure compliance with the provisions of 19 Administrative Code Chapter 2.

If Coordinating Board staff determines that any institution is in non-compliance with the terms of its approval; has otherwise failed to seek required approval for a revision or modification; or is in violation of statute or Coordinating Board rule governing program operation or approval, Coordinating Board staff shall:

1. Provide notice to the institution of alleged non-compliance related to the program at issue;
2. Provide the institution not more than one year to remedy the violation by achieving compliance with the approval, statute, or rule, by means acceptable to the commissioner; and
3. At the end of one year, if the institution has not achieved compliance acceptable to the commissioner, Coordinating Board staff shall request that the Coordinating Board authorize issuance of a show cause letter to the institution requiring the institution to show cause why the Coordinating Board shall not recommend closure of the program and teach out.

If Coordinating Board staff determines that a program is in non-compliance or fails to satisfy all contingencies and conditions of its approval after responding to the show cause notice, Coordinating Board staff may notify the institution of the actions necessary for the institution to receive the required approvals or meet the conditions or that Coordinating Board staff recommends closure of the program.

If the institution where the program is located wishes to close the program, the institution shall follow the procedures in 19 Administrative Code Chapter 2, Subchapter H, below.

If the institution chooses not to follow the recommendation, the Coordinating Board may request that Coordinating Board staff send the recommendation for closure to the governing board of the institution.

19 TAC 2.10

**Recommended
Course Sequence**

Each institution of higher education, including each college district, must develop at least one recommended course sequence for each undergraduate certificate or degree program offered by the institution. Each course sequence developed by the institution of higher education must:

1. Identify all required lower-division courses for each certificate or degree program, if applicable;
2. Include for each course, if applicable:
 - a. The Texas Common Course Numbering System (TC-CNS) course number; and
 - b. The course equivalent in the Lower-Division Academic Course Guide Manual (ACGM);

3. Be designed to enable a full-time student to obtain a certificate or degree, as applicable, within two years for a 60-hour degree or certificate program, four years for a 120-hour degree program, or a comparable time frame, for an approved certificate or degree program that requires credit hours other than those specified in this item; and
4. Include at least one specific sequence in which courses should be taken to ensure completion of the applicable program within the time frame described by item 3.

Education Code 51.96852(b); 19 TAC 4.362(7)–(8), .363(a)–(b)

Submission to
Coordinating Board

Each institution of higher education shall provide to the Coordinating Board a recommended course sequence for each undergraduate certificate and degree program offered by the institution.

The Coordinating Board will provide institutions of higher education a [template and instructions](#)¹ for submitting the recommended course sequences of undergraduate certificate and degree programs. Institutions must submit the recommended course sequences of undergraduate certificate and degree programs annually in accordance with the instructions and template and must include the following information, if applicable:

1. Recommended course sequences must identify all courses required for completion by a student to attain each undergraduate certificate or degree; and
2. For all courses that an institution includes in a recommended course sequence, the institution must identify the ACGM courses, as appropriate, using the TCCNS course numbers and rubrics.

On an annual basis, institutions shall review course sequences for accuracy and submit any revisions or changes to the Coordinating Board during the designated time period.

Education Code 51.96852; 19 TAC 4.364

Publication

Each institution shall publish the recommended course sequences in the institution's course catalog. Each institution shall publish recommended course sequences on the institution's website not later than August 1 of each year. *Education Code 51.96852(c); 19 TAC 4.363(c)*

**Compensatory
Courses**

Courses designated as compensatory in the Lower-Division Academic Course Guide Manual may not be used to satisfy degree requirements. Such courses may be used as co-requisites or prereq-

quisites for degree courses as determined by local institutions. 19
TAC 9.76

**Alternative Methods
of Program Mastery
for Military Members**

The Coordinating Board may approve an institution of higher education recognized by the Coordinating Board to offer a degree in coordination with the Texas Military Department that uses alternative methods of determining mastery of program content, including competency-based education.

To be eligible for a degree approved under this section, a person must:

1. Have graduated from high school or received the equivalent of a high school diploma;
2. Satisfy the minimum active military service obligation to the Texas military forces for a degree plan as follows:
 - a. For an associate degree, two years of service;
 - b. For a baccalaureate degree, four years of service; and
 - c. For a graduate degree, six years of service; and
3. Complete and meet the standards of the degree plan.

Education Code 61.0521(b)–(c)

Program Phase-Out

If an institution, including a college district, where a program is located wishes to close the program, the institution shall:

1. Develop and execute a teach-out plan;
2. Give appropriate notification to the federally recognized institutional accreditor and the program's accreditor, as applicable;
3. Cease to admit new students to the program;
4. Ensure that all courses necessary to complete the program are offered on a timely basis; and
5. Close the program when the last student enrolled in the program has graduated or the teach-out period has lapsed.

Public institutions of higher education must notify Coordinating Board staff of intent to phase out a degree or certificate program prior to closure of the program. The institution shall provide the information required in this section by submitting the Phase-Out Notification Form on the Coordinating Board's website. The notification form will require the institution to submit the following information:

1. The name, designation, and CIP code of the degree or program, as listed in the institution's program inventory; and
2. The anticipated closure date of the program.

Upon receiving the Phase-Out Notification Form, Coordinating Board staff will update the institution's program inventory to reflect the phase-out date of the program. Coordinating Board staff will remove the program from the program inventory at the time of the date of closure, as reported by the institution. If the institution chooses not to phase a program out after providing prior notification to the Coordinating Board of intent to phase out the program, the institution must submit an update that the program will continue to Coordinating Board staff.

19 TAC 2.171

**Low-Producing
Degree Programs**

The Coordinating Board may review the number of degrees or certificates awarded through a degree or certificate program every four years or more frequently, at the Coordinating Board's discretion. The Coordinating Board shall review each degree or certificate program offered by an institution of higher education at least every ten years after a new program is established using the criteria prescribed by Education Code 61.0512(c). *Education Code 61.0512(d)–(e); 19 TAC Ch. 4, Subch. R*

Definition

A “low-producing degree program” is a degree program that does not meet the minimum standard for degrees awarded in the program. For career technical certificates, associate, and bachelor’s programs, the minimum standard is an average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.

Completers of career technical certificate programs that are reported under the same CIP code as an existing applied associate's degree program will be counted as completers of the corresponding applied associate's degree program for purposes of determining low-producing status. Academic associate degree programs are not considered to be low producing if they lead to transfer into four-year programs.

19 TAC 4.287(4), 288(c)–(d)

Consequences

The Coordinating Board may not order the consolidation or elimination of any degree or certificate program offered by an institution of higher education. Coordinating Board staff may recommend to the institution's governing board the closure of any non-exempt degree program which has been on the annual list of low-producing programs for three or more consecutive years. If the governing board does not accept the recommendation to close the program,

then the university system or, where a system does not exist, the institution, must identify the program recommended for closure on the next legislative appropriations request submitted by the system or institution. If a system or institution is required to identify a degree program on its legislative appropriations request, the system or institution should also develop a plan to allow the degree program to achieve the minimum standard for the degree awarded, or if the standard is not attainable, provide a rationale describing the merits of continuing the degree program. *Education Code 61.0512(f); 19 TAC 4.290*

¹ Coordinating Board, Recommended Course Sequence:
<https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/transfer-resources/recommended-course-sequence/>

CURRICULUM DESIGN
DEGREES AND CERTIFICATES

EFB
(LOCAL)

The Board shall determine the types of degrees and certificates to be awarded by the College District. The degrees and certificates offered by the College District and the associated recommended course sequences developed by the College District administration shall be described in the College District catalog and on the College District website.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: EGA Academic Achievement - Grading and Credit

Summary of LOCAL Policy:

The policy outlines that it is the responsibility of the Kilgore College Board of Trustees to establish the manner by which grades will be determined and credit will be awarded to students at the institution.

Procedures:

- The KC Board of Trustees approves the institution's catalog/student handbook on an annual basis.
- The Kilgore College Catalog and Student Handbook clearly outlines the manner by which grades will be determined and credit will be awarded. It includes methods for reporting student grades, the calculation of student's grade point average, the classification of students based on credits earned, the transfer of credits, students' standards of performance and grade appeal procedures are among the topics published in the catalog/student handbook.
- The KC website also contains information reflected in the Kilgore College Catalog and Student Handbook.
- The Vice President of Instruction/CAO and the Vice President of Student Services serve as the President's designees for ascertaining that all written procedures to implement KC's grading and credit provisions are reviewed and updated on an annual basis prior to the Kilgore College Catalog and Student Handbook being brought before the Board for consideration/approval.

ACADEMIC ACHIEVEMENT
GRADING AND CREDITEGA
(LEGAL)**Course Credit for
Entering Freshmen
Students**

Each institution of higher education, including each college district, that offers freshmen-level courses shall adopt and implement a policy to grant undergraduate course credit to entering freshmen students who have successfully completed the International Baccalaureate (IB) Diploma Program, who have achieved required scores on one or more examinations in the Advanced Placement (AP) Program or the College-Level Examination Program (CLEP), or who have successfully completed one or more courses offered through concurrent enrollment in high school and at an institution of higher education.

In the policy, the institution shall:

1. Establish the institution's conditions for granting course credit, including the minimum required scores on CLEP examinations, AP examinations, and examinations for courses constituting the IB Diploma Program; and
2. Based on the correlations between subject matter and content of courses offered by each institution of higher education and the subject matter and content of courses and examinations in the IB Diploma Program, the AP Program, and the CLEP as identified by the Coordinating Board, in consultation with the Texas Education Agency, under Education Code 51.968(f), identify the specific course credit or other academic requirements of the institution, including the number of semester credit hours or other course credit, that the institution will grant to a student who successfully completes the diploma program, who successfully completes a course through concurrent enrollment, or who achieves required scores on CLEP examinations or AP examinations.

In establishing the minimum required score on an AP examination for granting course credit for a particular lower-division course, an institution of higher education may not require a score of more than three unless the institution's chief academic officer determines, based on evidence, that a higher score on the examination is necessary to indicate a student is sufficiently prepared to be successful in a related, more advanced course for which the lower-division course is a prerequisite.

In establishing the minimum required score on a CLEP examination for granting course credit for a particular lower-division course, an institution of higher education may not require a score higher than the minimum score recommended by the American Council on Education for granting course credit for that examination unless the institution's chief academic officer determines, based on evidence, that a higher score on the examination is necessary to indi-

cate that a student is sufficiently prepared to be successful in a related, more advanced course for which the lower-division course is a prerequisite.

Education Code 51.968(c)–(c-2), (f)

Each institution of higher education shall report its policy to the Coordinating Board and shall include a copy of the policy with the institution's undergraduate student application materials, including application materials available on the institution's internet website.

On request of an applicant for admission as an entering freshman, the institution of higher education, based on information provided by the applicant, shall determine and notify the applicant regarding:

1. The amount and type of any course credit that would be granted to the applicant under the policy; and
2. Any other academic requirement that the applicant would satisfy under the policy.

Except as otherwise provided above, an institution of higher education shall grant at least 24 semester credit hours (SCH) or equivalent course credit in appropriate subject areas to an entering freshman student for successful completion of the IB Diploma Program. The institution may grant fewer than 24 SCH if the student received a score of less than four on an examination administered as part of the diploma program. The institution may grant fewer credit hours only with respect to courses that are substantially related to the subject of that examination.

Education Code 51.968(b)–(e)

**Course Credit for
Military Training**

An institution of higher education, including a college district, shall consider, in determining whether to award course credit toward a degree or certificate offered by the institution for the student's completion of certain military training:

1. Any official military record presented to the institution by the student that describes the substance of the training completed by the student and verifies the student's successful completion of that training; and
2. Whether the substance of that training satisfies the purpose of the course for which the student seeks credit as described in the institution's course catalog.

This section applies to a student who is admitted to the institution, including a student who has been readmitted to the institution under Education Code 51.9242. [See FBA(LEGAL)]

Education Code 51.3041

**Course Credit for
Military Service**

An institution of higher education, including a college district, shall award to an undergraduate student who is admitted to the institution, including a student who is readmitted under Education Code 51.9242, course credit for all physical education courses required by the institution for an undergraduate degree and for additional semester credit hours, not to exceed 12, that may be applied to satisfy any elective course requirements for the student's degree program for courses outside the student's major or minor if the student graduated from a public or private high school accredited by a generally recognized accrediting organization or from a high school operated by the U.S. Department of Defense and is an honorably discharged former member of the Armed Forces of the United States who completed at least two years of service in the Armed Forces or was discharged because of a disability.

This section does not prohibit an institution of higher education from awarding additional course credit for a student's military service as the institution considers appropriate.

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

Education Code 51.3042

Transfer of Credit

In its course catalogs and on its website, each institution of higher education, including each college district, shall publish guidelines addressing the practices of the institution regarding the transfer of course credit. In the guidelines, the institution must identify a course by using the common course numbering system approved by the Coordinating Board. *Education Code 61.830*

Administrative Code Title 19, Chapter 4, Subchapter B applies specifically to academic courses and degree programs and does not apply to technical courses or technical degree programs. *19 TAC 4.24(d), .25(c)*

Transfer of Lower-
Division Course
Credit

All successfully completed lower-division academic courses that are identified by the Texas Common Course Numbering System (TCCNS) and published in the Lower-Division Academic Course Guide Manual (ACGM) shall be fully transferable among public institutions and shall be substituted for the equivalent course at the receiving institution. Except in the case of courses belonging to a Coordinating Board-approved field of study curriculum (FOSC), applicability of transferred courses to requirements for specific degree programs is determined by the receiving institution. All institutions of higher education must accept transfer of credit for successfully completed courses identified in 19 Administrative Code 4.25(a) and

(b) [see EFAA] as applicable to an associate or baccalaureate degree in the same manner as credit awarded to non-transfer students in that degree program. *19 TAC 4.24(a), .25(c)*

Each institution of higher education shall identify in its undergraduate catalog each lower-division course that is substantially equivalent to an academic course listed in the current edition of the ACGM. *19 TAC 4.25(a)*

Each institution must accept the same number of lower-division semester credit hours from transfer students as required for non-transfer students in the same baccalaureate program; however:

1. An institution is not required to accept in transfer more semester credit hours in the major area of a degree program than the number set out in any applicable Coordinating Board-approved field of study curriculum for that program.
2. In any degree program for which there is no Coordinating Board-approved field of study curriculum, an institution is not required to accept in transfer more lower-division course credit in the major applicable to a baccalaureate degree than the institution allows its non-transfer students in that major.
3. An institution of higher education is not required to transfer credit in courses in which the student earned a "D" in the student's field of study curriculum courses, core curriculum courses, or major.

An institution of higher education is not required to accept in transfer, or apply toward a degree program, more than sixty-six (66) semester credit hours of lower-division academic credit. Institutions of higher education, however, may choose to accept additional semester credit hours.

19 TAC 4.25(d)–(f)

Noncompliance

If it is determined by the Coordinating Board that an institution inappropriately or unnecessarily required a student to retake a course that is substantially equivalent to a course already taken at another institution, in violation of the provisions of 19 Administrative Code 4.25, formula funding for credit hours in the repeated course will be deducted from the institution's appropriation. *19 TAC 4.26*

Notice of Limits

Two-year public colleges shall notify students who intend to transfer to baccalaureate degree programs of possible limitations on lower-division coursework that may be applied toward a baccalaureate degree program at a general academic teaching institution. Notification to students must occur no later than the semester or

term during which students are expected to accumulate the 39th semester credit hour of academic coursework.

The notification shall include 19 Administrative Code 4.25(f) and may include additional transfer information that will help students make informed decisions about coursework.

Colleges may notify students either through the mail or through electronic means targeted directly at affected students such as electronic mail, pop-up notices on an electronic registration or advising page, or information included in the students' grade reports. Listing the information on lower-division transfer limits in the institution's catalog, while strongly recommended, is not sufficient to satisfy the requirements of this section.

19 TAC 9.77

Transfer of Core
Curriculum

*Completed Core
Curriculum*

If a student successfully completes the 42 SCH core curriculum at a Texas public institution of higher education, that block of courses must be substituted in transfer to any other Texas public institution of higher education for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution. *Education Code 61.822(c); 19 TAC 4.28(c)*

*Core Curriculum
Not Completed*

Except as specified in 19 Administrative Code 4.28(f), a student who transfers from one institution of higher education to another without completing the core curriculum of the sending institution must receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy the remaining course requirements in the core curriculum of the receiving institution. *Education Code 61.822(d); 19 TAC 4.28(e)*

*Foundation
Component
Areas*

Each student must meet the number of SCH in each foundational component area; however, an institution receiving a student in transfer is not required to apply to the fulfillment of a foundational component area requirement SCH beyond the number of SCH specified in a foundational component area. *19 TAC 4.28(f)*

*Transfers from
Out-of-State*

For students who transfer to a public institution from a college or university that is not a Texas public institution of higher education, courses the student completed prior to admission should be evaluated to determine whether they apply to one of the institution's core curriculum component areas. Only those courses the institution has accepted for transfer that can demonstrate fulfillment of the foundational component area content descriptions, core objectives,

and SCH required for the appropriate foundational component area or areas should be applied to the institution's core curriculum. *19 TAC 4.28(j)*

Transfer of Field of
Study Curriculum

If a student transfers from one institution of higher education to another without completing the field of study curriculum, the receiving institution must grant academic credit in the field of study curriculum for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. After granting the student credit for these courses, the institution may require the student to complete additional requirements in the receiving institution's program, as long as those requirements do not duplicate course content the student previously completed through the field of study curriculum. *Education Code 61.823(c); 19 TAC 4.32(d)*

Transfer Dispute
Resolution

Institutions of higher education shall follow the following procedures in the resolution of credit transfer disputes involving lower-division courses:

1. If an institution of higher education does not accept course credit earned by a student at another institution of higher education, the receiving institution shall give written notice to the student and to the sending institution that it intends to deny the transfer of the course credit and shall include in that notice the reasons for the denial. The receiving institution must attach the procedures for resolution of transfer disputes for lower-division courses as outlined in this section to notice. The notice and procedure must include:
 - a. Clear instructions for appealing the decision to the commissioner; and
 - b. The name and contact information for the designated official at the receiving institution who is authorized to resolve the credit transfer dispute.
2. A student who receives notice as specified in item 1 may dispute the denial of credit by contacting a designated official at either the sending or the receiving institution.
3. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with this section.
4. If the student or the sending institution is not satisfied with the resolution of the credit transfer dispute, the student or the sending institution may notify the commissioner in writing of the request for transfer dispute resolution. A receiving institution that denies the course credit for transfer shall notify the

commissioner in writing of its denial and the reasons for the denial not later than the 45th day after the date the receiving institution provided the required notice of the transfer credit denial under item 1.

The commissioner or the commissioner's designee shall make the final determination about a credit transfer dispute and give written notice of the determination to the student and institutions. The decision is not a contested case. The commissioner's decision is final and may not be appealed.

The Coordinating Board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner or the commissioner's designee.

If a receiving institution has cause to believe that a course being presented by a student for transfer from another institution is not of an acceptable level of quality, it should first contact the sending institution and attempt to resolve the problem. In the event that the two institutions are unable to come to a satisfactory resolution, the receiving institution may notify the commissioner who may investigate the course. If its quality is found to be unacceptable, the Coordinating Board may discontinue funding for the course.

Each institution of higher education shall publish in its course catalogs the procedures specified in this section.

Education Code 61.826; 19 TAC 4.27

Transfer
Agreements

The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee established under Education Code 51.3521. [See GI] *Education Code 51.352(f)*

Nondiscrimination

Nothing in 19 Administrative Code Chapter 4, Subchapter B restricts the authority of an institution of higher education to adopt its own grading policies so long as it treats transfer students and native students in the same manner.

Institutional policies regarding acceptance of credit for correspondence courses, credit-by-examination, and other credit-earning instruments must be consistent with the Southern Association of Colleges and Schools Commission on Colleges' (SACSCOC) guidelines and must treat transfer students and native students in the same manner.

19 TAC 4.24(b)–(c)

**Withdrawal for
Military Service**

If a student withdraws from an institution of higher education, including a college district, because the student is called to active military service, the institution, at the student's option, shall:

1. Grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript; or
2. As determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of coursework and demonstrated sufficient mastery of the course material.

Education Code 54.006(f)

**ROTC Courses
Counted for
Enrollment Status**

To the extent it will not adversely affect the accreditation status of an institution of higher education with the appropriate accrediting agency, the governing board of the institution, including a college district, shall count courses in which a student enrolls for the purposes of a Reserve Officers' Training Corp (ROTC) program, including courses for which the student does not receive course credit toward the student's degree, in determining whether the student is enrolled as a full-time student. *Education Code 51.9112(c)*

ACADEMIC ACHIEVEMENT
GRADING AND CREDIT

EGA
(LOCAL)

The Board shall establish the manner by which grades shall be determined and credit shall be awarded. These provisions shall include the methods for reporting student grades, the calculation of a student's grade point average (GPA), the classification of students based on credits earned, the transfer of credits, student standards of performance, grade appeal procedures, and any other relevant matters. The provisions shall be published in the College District catalog. The College President shall develop written procedures to implement the grading and credit provisions adopted by the Board. [For class rank calculations and honors determinations, see EGB]

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.

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: EGAA Grading and Credit - Credit by Examination

Summary of LOCAL Policy:

The policy outlines that KC students may receive course credit for non-course based activities such as credit by examination or credit by evaluation.

Procedures:

- The Kilgore College Catalog and Student Handbook clearly outlines how students may receive course credit for non-course based activities such as credit by examination or credit by evaluation.
- KC continues to explore ways for students to earn credit for relevant education, work, or other life experiences.
- House Bill 8 (2023 Legislature) specifically referenced a statewide initiative to standardize how credit is awarded for non-traditional students in order to recognize valuable work experience toward the award of a credential, certificate, or degree. KC will be a part of that initiative.
- The Vice President of Instruction/CAO and the Vice President of Student Services serve as the President's designees for ascertaining that all non-course based mechanisms are reviewed annually and updated as needed as part of the process of bringing the Kilgore College Catalog and Student Handbook to the Board for consideration/approval.

GRADING AND CREDIT
CREDIT BY EXAMINATION

EGAA
(LOCAL)

Current and incoming students may earn credit for relevant education, work, or other life experience. Qualified students may earn credit by performing satisfactorily on certain national tests and Advanced Placement (AP) exams or by completing tests developed and administered by the College District.

The College President shall develop procedures to implement this policy. The requirements shall be published in the College District catalog and other relevant publications as determined by the administration.

KILGORE COLLEGE TASB POLICY CONVERSION

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Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: EGAB Grading and Credit - Examinations

Summary of LOCAL Policy:

The KC Board is responsible for designating a final exam period on the academic calendar.

Procedures:

- The Vice President of Instruction/CAO and the Vice President of Student Services serve as the President's designees for purposes of this policy.
- The two Vice Presidents work with their faculty and staff to develop an academic calendar that outlines final exam periods for a given academic year.
- The academic calendar is included in the Kilgore College Catalog and Student Handbook and is approved by the Board of Trustees on an annual basis when the KC catalog/student handbook is brought before the Board for approval.

GRADING AND CREDIT
EXAMINATIONS

EGAB
(LOCAL)

The College President or designee shall develop a schedule of final exams to occur during each final exam period designated by the Board on the academic calendar. The final exam schedule shall be published in the College District catalog.

KILGORE COLLEGE TASB POLICY CONVERSION

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

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: E INSTRUCTION

Policy: EGB Academic Achievement - Class Rank and Honors

Summary of LOCAL Policy:

The KC Board is responsible for determining the method by which class rank will be calculated and academic honors bestowed upon KC students.

Procedures:

- The Vice President of Instruction/CAO and the Vice President of Student Services serve as the President's designees for purposes of this policy.
- The two Vice Presidents are responsible for reviewing the procedures associated with the determination of class rank and academic honors on an annual basis.

ACADEMIC ACHIEVEMENT
CLASS RANK AND HONORS

EGB
(LOCAL)

The Board shall determine the method by which class rank will be calculated and academic honors bestowed on College District students. These provisions shall be published in the College District catalog. [For grade calculations and the awarding of credit, see EGA]

KILGORE COLLEGE TASB POLICY CONVERSION

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

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: F STUDENTS

Policy: FEA Financial Aid and Scholarships

Summary of LOCAL Policy:

- This policy was originally passed by the KC Board of Trustees on 06/27/2022. TASB updated the policy on 05/24/2023. The revised policy was reviewed by Vice President of Student Services and KC is in compliance with the updated 05/24/2023 policy.
- This policy requires the College to offer a comprehensive program of financial aid to eligible College students. Information regarding available aid, program and eligibility requirements, application procedures, and other relevant information must be published in the College catalog or other appropriate College Publications.

Procedures:

- Financial aid procedures are included in the “Financial Aid” section of the College Catalog and on the College website. Staff also follow all federal and state guidelines as required.
- To comply with Education Code 51.969©, (e)-(f) and 19 TAC 21.472-.473 as stated in FEA LEGAL policy, before receiving a scholarship originating from and administered by the College, a person must file a written statement indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the Board of Trustees. As required, the College uses the “Scholarship Consanguinity or Affinity Statement” provided by the Texas Higher Education Coordinating Board on both paper and online scholarship applications.
- An Administrative Rule (attached) outlining student financial aid and academic progress was added July 24, 2023.

**Selective Service
Status**

An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, or receive a student loan guaranteed by this state or the Texas Guaranteed Student Loan Corporation, unless the individual files a statement of the individual's selective service status with the institution or other entity granting or guaranteeing the financial assistance as required by this section.

This section does not apply to:

1. A female individual if females are not subject to general selective service registration under federal law; or
2. An individual older than the maximum age at which an individual is required to be registered with the selective service system under federal law.

The statement of an individual's selective service status required by this section must require the individual to certify that the individual:

1. Has registered with the selective service system as required by federal law; or
2. Is exempt from selective service registration under federal law.

If an individual files a statement indicating that the individual is registered with the selective service system as required by federal law, the individual is not required to file a statement of the individual's selective service status the next time the individual makes an application to the same entity for financial assistance or a student loan guarantee. If an individual files a statement indicating that the individual is not required to register with the selective service system, the institution or other entity shall require the individual to file a new statement of the individual's selective service status the next time the individual makes an application to the entity for financial assistance or a student loan guarantee.

Education Code 51.9095(a)–(d); 19 TAC 22.3

**Eligibility for
Scholarship**

A person is not eligible to receive a scholarship originating from and administered by an institution of higher education, including a college district, or university system if the person is related to a current member of the governing board of the institution or system, unless:

1. The scholarship is granted by a private organization or third party not affiliated with the institution of higher education or university system;
2. The scholarship is awarded exclusively on the basis of prior academic merit;
3. The scholarship is an athletic scholarship; or
4. The relationship is not within the third degree by consanguinity or the second degree by affinity, as determined under Government Code Chapter 573, Subchapter B [see DBE].

Education Code 51.969(b); 19 TAC 21.471

Statement Required

Before receiving a scholarship originating from and administered by an institution of higher education or university system, a person must file a written statement with the institution or system indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the governing board of the institution or system. The required wording of the statement will be developed by the Coordinating Board and will be made available to institutions via the Coordinating Board's website.

A person commits a Class B misdemeanor if the person knowingly files a false statement.

Education Code 51.969(c), (e)–(f); 19 TAC 21.472–.473

Timely Distribution of Funds

All institutions participating in the financial aid programs outlined in 19 Administrative Code Chapter 22 shall follow the guidelines for the timely distribution of funds.

Institutions shall disburse state student financial aid funding, excepting work study, to a student recipient's account no later than three business days after receiving the funds. Undisbursed funds must be returned to the Coordinating Board no later than six business days after the receipt of funds. Gift aid funds for which a student is no longer eligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely disbursement requirement.

19 TAC 22.2

Return Upon Student Ineligibility

For state student financial aid funding already disbursed to a student, except work study, institutions shall return funds to the Coordinating Board within 45 calendar days of a student becoming ineligible for the funding. Gift aid funds for which a student has been determined ineligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet

the timely determination of ineligibility requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the change in student eligibility, as appropriate for the particular student financial aid program. *19 TAC 22.2(2)*

Return Upon
Cancellation of Aid

For state student financial aid funds already disbursed to a student, institutions may return funds to the Coordinating Board within 120 calendar days of disbursement in situations where a student has notified the institution of his or her decision to cancel the financial aid. Gift aid funds for which a student has made the decision to cancel may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely cancellation requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the student's decision to cancel financial aid, as appropriate for the particular student financial aid program. *19 TAC 22.2(3)*

**Employee Trained in
Certain Student
Financial Assistance
Programs**

Each institution of higher education, including each college district, shall ensure that one or more persons employed by the institution is trained:

1. In understanding state and federal student financial assistance programs available to military veterans or their family members, especially programs specifically applicable to military veterans or their family members; and
2. In assisting military veterans and eligible family members in understanding and obtaining the benefits available under those programs.

The employee must be available to assist military veterans and eligible family members during regular business hours at the financial aid or other office to which the person is assigned.

Education Code 56.006

**Financial Assistance
Information**

Information on financial assistance that the institution must publish and make readily available to current and prospective students under 34 C.F.R. Part 668, Subpart D includes, but is not limited to, a description of all the federal, state, local, private, and institutional student financial assistance programs available to students who enroll at that institution. These programs include both need-based and non-need-based programs. The institution may describe its own financial assistance programs by listing them in general categories. The institution must describe the terms and conditions of the loans students receive under the Federal Family Education Loan Program, the William D. Ford Federal Direct Student Loan Program, and the Federal Perkins Loan Program.

For each program referred to above in this section, the information provided by the institution must describe:

1. The procedures and forms by which students apply for assistance;
2. The student eligibility requirements;
3. The criteria for selecting recipients from the group of eligible applicants; and
4. The criteria for determining the amount of a student's award.

The institution must describe the rights and responsibilities of students receiving financial assistance and, specifically, assistance under the Title IV, Higher Education Act (HEA) programs. This description must include specific information regarding:

1. Criteria for continued student eligibility under each program;
2. Standards which the student must maintain in order to be considered to be making satisfactory progress in his or her course of study for the purpose of receiving financial assistance; and criteria by which the student who has failed to maintain satisfactory progress may re-establish his or her eligibility for financial assistance;
3. The method by which financial assistance disbursements will be made to the students and the frequency of those disbursements;
4. The terms of any loan received by a student as part of the student's financial assistance package, a sample loan repayment schedule for sample loans, and the necessity for repaying loans;
5. The general conditions and terms applicable to any employment provided to a student as part of the student's financial assistance package; and
6. The exit counseling information the institution provides and collects as required by 34 C.F.R. 674.42 for borrowers under the Federal Perkins Loan Program, by 34 C.F.R. 685.304 for borrowers under the William D. Ford Federal Direct Student Loan Program, and by 34 C.F.R. 682.604 for borrowers under the Federal Stafford Loan Program.

34 C.F.R. 668.42

Net Price Calculator

Each institution of higher education, including each college district, that receives federal funds under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C shall make

publicly available on the institution's website a net price calculator to help current and prospective students, families, and other consumers estimate a student's individual net price at such institution of higher education. Such calculator may be a net price calculator developed by the U.S. Department of Education; or by the institution of higher education, if the institution's calculator includes, at a minimum, the same data elements included in the calculator developed under 20 U.S.C. 1015a(h)(1).

Estimates of an individual net price determined using the net price calculator shall be accompanied by a clear and conspicuous notice:

1. Stating that the estimate does not represent a final determination or actual award of financial assistance; shall not be binding on the U.S. Secretary of Education, the institution of higher education, or the state; and may change;
2. Stating that the student must complete the Free Application for Federal Student Aid (FAFSA) in order to be eligible for, and receive, an actual financial aid award that includes federal grant, loan, or work-study assistance under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C; and
3. Including a link to the website of the U.S. Department of Education that allows students to access the FAFSA.

20 U.S.C. 1015a(h)(3)–(4)

**Loan Debt
Disclosure**

At least annually, and in an electronic format, participating higher educational institutions that enroll one or more students receiving state financial aid administered by the Coordinating Board and that receive education loan information for a student enrolled at the institution, must provide to that student certain estimates regarding the student's education loan obligations.

A participating higher educational institution is not required to provide in any disclosure or report required under this section information regarding loans issued by a private entity.

Education Code 52.335(a), (b-1); 19 TAC 21.46(a)

Disclosure
Procedure

At least annually, a participating higher educational institution shall provide a student loan debt disclosure, as more fully defined in 19 Administrative Code 21.49 to every student who has a balance on one or more student loans, and whose debt records are received by the participating higher educational institution where he or she is enrolled. If the participating higher educational institution has a

record of unpaid student loan debt, a disclosure must be provided to that student.

Student loan debt disclosures must be sent electronically in a manner that complies with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99) and the participating higher educational institution's privacy standards.

Education Code 52.335(b); 19 TAC 21.48, .49(e)

Contents of
Disclosures

Student loan debt disclosures are required to include education loan debt information that the participating higher educational institution receives or otherwise obtains from the U.S. Department of Education's central database for student aid, currently known as the National Student Loan Data System, which is shared with institutions through the Institutional Student Information Record (ISIR), as well as information that the institution may reasonably collect from its own records.

Student loan debt disclosures must include an estimate of the unpaid amount of federal education loans obtained by the student and state education loans obtained by the student at the current institution. The types of education loans must be identified for each total included.

Student loan debt disclosures must include an estimate of the total payoff amount for education loans, or a range for that amount, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

Student loan debt disclosures must include an estimate of the monthly repayment amount that the student may incur for the repayment of the education loans, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

The electronic communication of the student loan debt must explain the following:

1. The disclosure may not be a complete and official record of the student's unpaid education loan debt;
2. Why the disclosure may not be complete or accurate, including an explanation that for a transfer student, the institution's estimates regarding state loans reflect only state loans incurred by the student for attendance at the current institution, and not prior institutions; and
3. That the institution's estimates are general in nature and are not intended as a guarantee or promise.

Education Code 52.335(b)–(d); 19 TAC 21.49(a)–(d), (f)

**Disclosures
Regarding Lenders**

An institution of higher education, including each college district, that receives federal funding, or an institution-affiliated organization of such covered institution, that participates in a preferred lender arrangement shall disclose the information described in 20 U.S.C. 1019a.

An institution of higher education that receives federal funding, or an institution-affiliated organization of such covered institution, that provides information regarding a private education loan from a lender to a prospective borrower shall provide the information described in 20 U.S.C. 1019a.

20 U.S.C. 1019(2), 1019a(a)

**Students with
Disabilities**

In providing financial assistance to qualified disabled persons, a recipient of federal financial assistance may not:

1. On the basis of disability, provide less assistance than is provided to nondisabled persons, limit eligibility for assistance, or otherwise discriminate; or
2. Assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified disabled persons on the basis of disability.

34 C.F.R. 104.46(a)(1)

A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability. *34 C.F.R. 104.46(a)(2)*

**Discrimination on
the Basis of Sex**

Except as provided in 34 C.F.R. 106.37(b) and (c), in providing financial assistance to any of its students, a recipient shall not:

1. On the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance that is of any particular type or source, apply different criteria, or otherwise discriminate;
2. Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person that provides assistance to any of such recipient's students in a manner that discriminates on the basis of sex; or

3. Apply any rule or assist in application of any rule concerning eligibility for such assistance that treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

34 C.F.R. 106.37(a)

Records Retention

All institutions participating in the financial aid programs described in 19 Administrative Code Chapter 22 shall follow the records retention guidelines outlined below.

An institution shall maintain its records and accounts of all transactions related to state and federal student financial aid in keeping with the institution's records retention schedule to ensure a full accounting for all funds received, disbursed, and expended by the institution.

Records and accounts shall be available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the Coordinating Board, and by others authorized by law or regulation, for a period, whichever is later:

1. Not less than seven years after the date of the completion of the award period;
2. The date of the receipt of the institution's final claim for payment of final expenditure report; or
3. Until a resolution of all billing questions in connection with the account has been resolved.

Records and accounts shall include, but are not limited to, general institutional and program specific recordkeeping requirements in accordance with Federal Student Aid Title IV regulations, 34 C.F.R. 668.24.

If an audit is announced, an institution shall retain its records until the audit has been completed or not less than seven years after the expiration date of the Memorandum of Understanding for State Financial Aid Programs (MOU), whichever is later.

An institution shall make available to the auditing entity all documents and other information related to state financial aid programs.

An institution and any subcontractors shall provide any information the auditing entity deems relevant to any monitoring, investigation, evaluation, or audit.

19 TAC 22.4

Note: Federal financial aid rules are found at 34 C.F.R. part 668. For technical guidance regarding the provision of federal financial aid, visit the U.S. Department of Education [Information for Financial Aid Professionals](#)¹ website. State financial aid and scholarship programs, tuition set-asides, and other requirements are detailed in Education Code Chapters 52 and 56 and 19 Administrative Code Chapters 21 and 22.

¹ Information for Financial Aid Professionals: <https://ifap.ed.gov>

FINANCING EDUCATION
FINANCIAL AID AND SCHOLARSHIPS

FEA
(LOCAL)

The College District shall offer a comprehensive program of financial aid to eligible College District students. Information regarding available financial aid programs, program requirements, student eligibility, application procedures, and other relevant information shall be published in the College District catalog or other College District publications as appropriate.

**Debt Management
and Loan Repayment**

The College District shall provide information and guidance to help student borrowers understand how to manage their debt and repay their loans.

Administrative Rule

Subject: Student Financial Aid Satisfactory Academic Progress
TASB Policy: FEA Financial Aid and Scholarships
Effective Date: July 24, 2023



I. Purpose

Kilgore College monitors all financial aid recipients to ensure that students are maintaining a minimum standard of academic achievement as mandated by federal regulations. Academic standards vary between federal, state, and institutional financial aid funds, but all standards require a minimum number of hours be completed with a minimum grade point average. In order to continue to receive funding from Federal Student Aid programs (Pell Grants, other federal grants, and federal direct loans), students must meet the College's satisfactory academic progress metrics.

II. Scope/Definitions

Kilgore College (KC) institutional scholarships, state grants, and other non-federal student aid programs have specific academic requirements for each individual program. It is the student's responsibility to read and ask clarifying questions to understand the academic and hourly requirement criteria for each award shown in the student's financial aid award package. Satisfactory Academic Progress is not calculated for Dual Credit high school students, as they are ineligible for federal or state aid. All questions should be directed to the KC Office of Financial Aid.

III. Procedures/Standards

Satisfactory Academic Progress (SAP) for Federal Student Aid Programs:
Kilgore College's SAP for federal and state aid consists of the three metrics listed below.

1. Grade Point Average Standards (GPA)

- Students must maintain a 2.0 financial aid cumulative grade point average. The KC financial aid cumulative GPA includes all college level course grades combined with any remedial or College Success (COLS) class grades. **This does not apply to scholarships as scholarships carry specific GPA requirements.**
- Grades of "A, B, C, D, F, and I" will count toward the financial aid cumulative GPA.
- Grades of "W and IP" will not count toward the financial aid cumulative GPA.
- Grades of "IP" are considered as passing grades by financial aid.
- Remedial course work will be included in the financial aid cumulative GPA.
- Academic work will be checked at the end of each semester (Fall, Spring, and Summer) and will include all flex and mini semester course work.
- Prior periods of enrollment will be evaluated for SAP prior to awarding aid.
- All grades are factored into a student's GPA, whether financial aid paid for the classes or not.
- **Students who do not maintain a 2.0 financial aid cumulative GPA will automatically be placed on financial aid warning for one semester. If at the end of the warning semester the student's cumulative GPA is still below a 2.0, the student will automatically be placed on financial aid suspension and will no longer be eligible for federal financial aid.**

2. Credit Hour Completion Standards

- Students must complete 67% of all hours of enrollment to maintain progress. **This does not apply to scholarships as scholarships maintain a specific hourly requirement.**
- The number of hours in which a student is enrolled on the official census day for each semester determines the number of completed enrollment hours needed to maintain progress.
- Completion rates will be checked at the end of each semester and will include all remedial, flex, and mini semester course work. This rate is based on all hours of enrollment at Kilgore College.
- Grades of “A, B, C, and D” are considered as completed grades, and will be included in the calculation of the number of hours completed.
- Grades of “W, F, I, and IP” are considered attempted hours and are not included in the calculation of the number of hours completed.
- Hours that are accepted and transferred into Kilgore College will be counted toward the student’s credit hour completion rate.
- All hours are factored into the completion rate whether financial aid paid for the classes or not.
- **Students who do not complete 67% of all hours of enrollment to maintain progress will automatically be placed on financial aid warning. If the student does not complete 67% of all hours of enrollment during the warning semester, the student will automatically be placed on financial aid suspension and will no longer be eligible for federal financial aid.**

3. Maximum Time Frame Completion (Pace):

- Students enrolled at Kilgore College are expected to work toward a specific degree or certificate and to complete that goal within a certain timeframe. Federal regulations limit federal aid eligibility to 150% of the total hours necessary to earn a certificate or degree.
- All periods of enrollment are counted toward the 150% timeframe, whether or not financial aid paid for those hours.
- Students who enroll in courses not included in their declared major course of study or certificate program will not receive financial aid for those courses.
- Developmental hours will not count toward the 150% completion rate.
- Students who change their program of study may use up eligibility for federal aid prior to completion of their degree or certificate.
- A student’s attempted credit hours cannot exceed a maximum of 150% of the hours required to complete a declared major course of study or certificate program.
- **As students get close to meeting the 150% requirement, they will receive a warning letter and be placed on warning during that semester. Once the student reaches the 150% requirement, they will automatically be placed on financial aid suspension and will no longer be eligible for federal financial aid.**

Financial Aid Warning:

- Students who do not meet Satisfactory Academic Progress will be placed on financial aid warning. The student will be eligible to receive financial aid for the subsequent semester while on financial aid warning status.
- Students on financial aid warning may be subject, but not limited to, any of the following institutional requirements:
 - Mandatory counseling sessions with the director of financial aid or designee
 - Submission of tutoring logs showing time spent in The Zone or an instructional learning lab

- Limited hours of enrollment, based on student's ability to be successful
- No access to online, self-registration
- Specialized academic plan, with emphasis on re-evaluated degree/certificate plan
- Signed contract with director of financial aid or designee
- Suggested limit of hours of employment
- Repeat of classes with failing academic grades
- Any additional requirements deemed necessary for academic completion and student success

Financial Aid Suspension:

- Students who do not meet Satisfactory Academic Progress while on financial aid warning status will be placed on financial aid suspension. While on suspension, a student is no longer eligible to receive federal financial aid.
- To reestablish financial aid eligibility, a student must enroll in sufficient hours to raise their cumulative GPA and course hour completion rate to the minimum standards of Satisfactory Academic Progress. This may be done with personal funds or other funding provided by the student. After completion, he/she must bring this to the attention of the Financial Aid Office in order to be re-evaluated for federal aid eligibility.

Financial Aid Suspension Appeals:

- Information, instructions, and necessary forms related to financial aid suspension appeals are available on the KC Financial Aid webpage (<https://www.kilgore.edu/future-students/student-services/financial-aid>).
- Students wishing to appeal their suspension status must complete and submit the following documents:
 - Financial Aid Suspension Appeal Form
 - Official Degree Audit from the Kilgore College Counseling Center
 - Typed statement of explanation for the reason of the appeal
 - Unofficial Kilgore College Transcript from the KC Registrar's Office
 - Documentation of the events that prevented satisfactory academic progress during the semester in which the suspension occurred.
- Appeals will be considered by an Appeals committee
- Appeals that are granted will require an appointment with the Director of Financial Aid or designee to create a Suspension Appeal Contract and signed by both the student.
- Students whose appeals are granted will be considered to be on financial aid probation.
- The Suspension Appeal Contracts will be composed of institutional requirements similar to those described under the Financial Aid Warning section above.
- Students must strictly follow the terms of the Suspension Appeal Contract. If changes are requested, the Director of Financial Aid or designee must be consulted prior to the change, or the contract becomes invalid and the student returns to financial aid suspension. Examples of actions that will terminate the terms of the contract include:
 - The student drops a class that is on the contract or enrolls in a class that is not a part of his/her degree plan.
 - The instructor drops the student for non-attendance.
 - The student withdraws from school.
 - Any earned grades of "F", "I", or a "W" will result in an immediate breach of the appeal contract and student will be placed back on suspension.

If the student tests out of a class that is on the Suspension Appeal Contract, then the class is considered successfully completed and dropped from contract expectations.

Financial Aid Suspension Appeals Due to Excessive Hours:

- Students who exceed the 150% limit will be able to submit an excessive hour appeal.
- Those students will need to submit a degree audit, showing the minimum amount of hours needed to complete a specific program of study.
- Students will be required to sign an Excessive Hour Contract, which will limit the enrollment to program specific hours and the aid that will pay for those hours.
- Students must have any enrollment change to the Excessive Hour contract approved by the Director of Financial Aid or designee.

Financial Aid Suspension Appeal Limits:

- KC students are typically eligible for only one financial aid appeal.
- Exceptions to the appeal limit include:
 - Students who have successfully completed a certificate or degree on an appeal and have subsequently been accepted into a competitive admissions program (e.g., nursing, physical therapist assistant, etc.).
 - No additional appeals will be granted beyond this unless the student can demonstrate that a third appeal would significantly enhance his/her skill set and employability.
 - Students who have successfully completed a certificate on an appeal and desire to return for a degree.
 - An appeal renewal may be granted if the student returns within the same academic year.
 - A new appeal must be filed if the student's return is more than one year from completion of the certificate.
 - No additional appeals will be granted beyond this unless the student can demonstrate that a third appeal would significantly enhance his/her skill set and employability.
 - Students who have successfully completed a certificate or degree on an excessive hour appeal and have subsequently been accepted into a competitive admissions program (e.g., nursing, physical therapist assistant, etc.).
 - No additional appeals will be granted beyond this unless the student can demonstrate that a third appeal would significantly enhance his/her skill set and employability.
 - Students who have successfully completed a certificate or degree on an excessive hour appeal and are returning to retool/upgrade their skill set due to economic conditions.
 - No additional appeals will be granted beyond this unless the student can demonstrate that a third appeal would significantly enhance his/her skill set and employability.

Financial Aid Eligibility and Developmental Hour Limits:

- Students may receive federal aid for a maximum of 30 developmental hours attempted at Kilgore College. Once the 30-hour limit is reached, no further federal student aid will be paid for developmental courses.
- **Example:** If a student has exceeded the 30-hour limit and enrolls in 12 hours during the semester, 9 of which are regular credit hours needed for the degree and 3 hours are a developmental class, financial aid will pay the eligible amount for 9 hours, but not for the total of 12 hours.

Transfer Students:

- Students with no history at KC will be assumed to be making satisfactory academic progress at the time they transfer into Kilgore College, unless they are flagged by the Department of Education for Unusual Enrollment. If they are flagged with unusual enrollment, official transcripts from previous colleges will be required. If after review of the official transcripts the student is determined to have not met SAP (did not complete necessary hours or the overall GPA of all transcripts is below the minimum of a 2.0 cumulative), the student will be placed on suspension. The students may apply for a suspension appeal as described above.
- Hours that transfer into the major course of study will be counted toward the 150% timeframe eligibility regulation and will be added to hours of enrollment at Kilgore College for ongoing SAP determinations.
- Transferring students need to be aware that the federal regulations concerning the Pell Lifetime Eligibility Used (LEU) limits and Loan Aggregate limits apply to any award package at KC.
- If the transfer college transcript(s) are not on file with the KC Office of Admissions and Registrar, the student will be considered as a first-year student for loan purposes.
- Hours that are accepted and transferred into Kilgore College will be counted in the completion rate.

Miscellaneous Information:

- Financial aid funds will pay to repeat a class; however, once a specific class has been taken twice, it will no longer be eligible for financial aid funding per federal guidelines. Repeated classes count towards a student's 150% limit.
- Federal student aid will pay the Excessive Developmental Charge (three-peat charges) for developmental courses as needed, but only up to the 30-hour developmental limit.

Scholarships and Satisfactory Academic Progress:

- Most scholarship and other forms of non-federal aid funds carry specific academic and enrollment requirements for renewed award to a student account.
- Students receiving institutional, departmental, or state funds should check with the Scholarship Coordinator with regard to Letters of Agreement, showing the terms of scholarship eligibility.
- Scholarship eligibility is evaluated at the end of each long semester (Fall, Spring, Summer).
- Students who have lost eligibility will receive a notification advising them of this status.
- Scholarships do not have a warning or probation status, as with federal aid funds. Students who do not achieve the academic or enrollment criteria for renewal will not be awarded those funds for the subsequent semester (even if the Letter of Agreement shows the scholarship is awarded for one academic year.)
- Certain scholarships, which are considered "performance based," may carry different terms for renewal.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: F STUDENTS

Policy: FLA Student Rights and Responsibilities - Student Expression and Use of College Facilities

Summary of LOCAL Policy:

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. Each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. The director of campus life will be responsible for approving any distribution of materials, posting of signs, or requests to host external speakers on campus.

Procedures:

None needed due to detail of the policy.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIESFLA
(LEGAL)

Note: For additional legally referenced material relating to this subject matter, see FA(LEGAL). For information on employee expression on campus, see DGC. For information on community expression on campus, see GD. For use of the college district's mail system, see CHE.

First Amendment

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

Forum Analysis

Traditional Public Forum

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

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

Designated Public Forum

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. *Christian Legal Society v. Martinez*, 130 S.Ct. 2971 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be

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(LEGAL)

viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

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

Nonpublic Forum

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

Time, Place, and
Manner Restrictions

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

**Protected
Expression on
Campus Under State
Law**

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

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

Time, Place, and
Manner Restrictions

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

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FLA
(LEGAL)

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

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1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section, available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

“Place of worship” means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LOCAL)

Note:	For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.
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Distribution of Literature	<p>Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.</p> <p>The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.</p> <p>Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.</p>
Limitations on Content	<p>Materials shall not be distributed by students or registered student organizations on College District property if:</p> <ol style="list-style-type: none"> 1. The materials are obscene. 2. The materials contain defamatory statements about public figures or others. 3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action. 4. The materials are considered prohibited harassment. [See DIAA, DIAB, FFDA, and FFDB] 5. The materials constitute nonpermissible solicitation. [See FI] 6. The materials infringe upon intellectual property rights of the College District. [See CT]
Time, Place, and Manner Restrictions	<p>Distribution of the materials shall be conducted in a manner that:</p> <ol style="list-style-type: none"> 1. Is not disruptive; [See FLB] 2. Does not impede reasonable access to College District facilities; 3. Does not result in damage to College District property;

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

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

The director of campus life shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

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

Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the director of campus life. No object other than a sign may be posted on College District property.

Restrictions

A sign shall not be larger than 22 inches by 28 inches, unless authorized by the director of campus life. A sign shall not be attached or posted:

1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event,

not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the director of campus life, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the director of campus life in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The director of campus life shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

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

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];

4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The director of campus life shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Students and student organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative.

Violations of Policy

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with the

	College District's discipline policies and procedures [see FM and FMA].
Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS
Policy: GD Community Expression and Use of College Facilities

Summary of LOCAL Policy:

The policy outlines the responsibility of the College develop and implement processes, procedures, and requirements to ensure protection of First Amendment rights with regards to access to College facilities and grounds for the purpose of community expression.

Procedures:

- The Facility Rentals office has procedures in place that allow community members and/or organizations access to and use of College facilities.
- The Office of Campus Life has procedures in place to review and approve requests for distribution of literature and display of posters on campus.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

Note: For additional legally referenced material relating to this subject matter, see GA(LEGAL). For information on employee expression on campus, see DGC. For information on student expression on campus, see FLA. For use of the college district's mail system, see CHE.

Prohibited Acts

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

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

First Amendment

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

Forum Analysis

Traditional Public Forum

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

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental

interest if a sufficient number of alternative communication channels are available. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

*Designated
Public Forum*

A “designated public forum” is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

*Limited Public
Forum*

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

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

Nonpublic Forum

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

*Time, Place, and
Manner Restrictions*

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

**Protected
Expression on
Campus Under State
Law**

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

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

**Time, Place, and
Manner Restrictions**

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others; and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook,

	<p>providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. <i>Education Code 51.9315(i)</i></p>
Report	<p>Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. <i>Education Code 51.9315(k)</i></p>
Fees for Use	<p>The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by such board. <i>Education Code 130.123(c)</i></p>
Facilities as Polling Places	<p>The entity, including a college district, that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located. If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the entity that owns or controls the building shall determine which authority may use the building. <i>Election Code 43.031(c)</i></p> <p>No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of an election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i></p>
Electioneering	<p>"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114. <i>Election Code 61.003(b)(1), 85.036(f)(2)</i></p>
<i>During the Regular Voting Period</i>	<p>A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.</p> <p>The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit</p>

electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003(a)–(a-1)

*During Early
Voting*

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

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

Election Code 85.036(a)–(b), (d)

**Political Party
Conventions**

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

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state. "Place of worship" means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

**Search and Rescue
Dogs**

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

Public Facility

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

1. Refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;
2. A ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and
3. Failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

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

Transportation

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

1. Refuse to accept as a passenger a search and rescue dog or the dog's handler; or
2. Require the dog's handler to pay an additional fare because of the search and rescue dog.

Health and Safety Code 785.002(c)

Housing

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

Handler

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

Credentials

A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the

National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.005*

Responsibilities

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

Policy

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

Penalty

A person who violates Health and Safety Code 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000. It is a defense to prosecution that the actor requested the search and rescue dog handler's credentials under Health and Safety Code 785.005 and the handler failed to provide the actor with the credentials. *Health and Safety Code 785.003*

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LOCAL)

Note: For expression and use of College District facilities and distribution of literature by students and registered student organizations, see FLA. For expression and use of College District facilities by employees and employee organizations, see DGC. For use of the College District's internal mail system, see CHE.

Use of College District Facilities

The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.

Requests

To request permission to meet in College District facilities, interested community members or organizations shall file a written request with the Facilities Rentals office in accordance with administrative procedures.

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

Requests for community use of College District facilities shall be considered on a first-come, first-served basis.

The Facilities Rentals office shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the community members' or organization's use of the facility.

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

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is subject to a sanction [see Violations of Policy, below] prohibiting the use of the facility;
3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;

4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The proposed activity would disrupt or disturb the regular academic program; or
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Community members and organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

For-Profit Use

The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy.

Nonprofit Use

The College District shall permit nonprofit organizations to conduct fundraising events on College District property when these activities do not conflict with College District use or with this policy.

*Campaign-
Related Use*

Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law.

*No Approval
Required*

No approval shall be required for non-school-related recreational use of the College District's unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose.

*Written Notice if
Request
Rejected*

The Facilities Rentals office shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Emergency Use	In case of emergencies or disasters, the College President may authorize the use of College District facilities by civil defense, health, or emergency service authorities.
Repeated Use	The College District shall permit repeated use by any community member or organization in accordance with administrative procedures.
<i>Exception</i>	Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff.
Scheduling	Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The Facilities Rentals office shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity.
Use Agreement	Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.
Fees for Use	<p>A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.</p> <p>The Board shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.</p>
<i>Exception</i>	Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.
Required Conduct	<p>Community members and organizations using College District facilities shall:</p> <ol style="list-style-type: none"> 1. Conduct business in an orderly manner; 2. Provide identification when requested to do so by a College District representative; 3. Abide by all laws, policies, and procedures, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of

tobacco products or e-cigarettes on College District property;
[See CHF and GDA]

4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and
5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.

Distribution of Literature

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

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

Limitations on Content

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

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

Time, Place, and Manner Restrictions

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive [see FLB];
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;

5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

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

The Campus Life office shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to others in College District facilities and in areas that are not considered common outdoor areas.

Posting of Signs

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

No signs may be posted on College District property by a community member or organization unless the posting qualifies as a permitted campaign-related use or is in a common outdoor area subject to administrative procedures.

Exception

A College District support organization may post a sign in College District facilities with prior approval of the Campus Life office in accordance with the procedures developed for that purpose.

Identification

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

Violations of Policy

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

Interference with Expression

Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District’s discipline policies and procedures. [See DH, FM, and FMA]

Appeals

Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL), DGBA(LOCAL), and FLD(LOCAL) as applicable.

Publication

This policy and associated procedures must be posted on the College District’s website and distributed in the employee and student handbooks and other appropriate publications.

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LEGAL Policy for INFORMATION ONLY:

Section: B LOCAL GOVERNANCE

Policy: BBBA Elections – Conducting an Election

Summary of LEGAL Policy:

This policy was originally approved by the Kilgore College Board of Trustees on 02/27/2023. The policy was revised by TASB on 01/05/2023 and split into three additional policies (BBBA, BBBB, and BBBC). This summary reflects the 01/05/2023 TASB update.

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance.

This policy includes procedures for:

- Contracting with a county for election services
- Ordering an election
- Publicizing and posting information about the election at www.kilgore.edu
- Withdrawing from an election
- Election of unopposed candidate
- Cancelling election
- Declaring the election
- Designation of polling places
- Rules for posting signs and electioneering
- Use of bilingual materials
- Voting systems
- Early voting

Note: If the college district is subject to a court order or other binding legal determination, the college district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail.

Election Services

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

Election Order

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

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

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

Failure to Order an Election

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

Election Notice

The notice of a general or special election must state:

Contents

1. The nature and date of the election;
2. The location of each polling place;

3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. For early voting:
 - a. The designated location of the main early voting polling place, as determined under Election Code 85.002;
 - b. The date that early voting will begin if under Education Code 85.001(d) the early voting period is to begin later than the prescribed date;
 - c. The regular dates and hours that early voting will be conducted;
 - d. The dates and hours that voting on Saturday and Sunday is ordered to be conducted; and
 - e. The early voting clerk's official mailing address.
6. The numbers of the positions to be filled;
7. The candidates for each position; and
8. Any other matters deemed necessary or advisable.

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

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

Notice of Special Election

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

Publication

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

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

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

Posting	<p>In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county by a political subdivision under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of meetings of the governing body of the political subdivision that the authority serves. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made. <i>Election Code 4.003(b), .005(b)</i></p>
Early Voting	<p>Any notice required under Election Code 85.007 must also be posted on the internet website of the authority ordering the election, if the authority maintains a website. <i>Election Code 85.007(d)(1)</i></p>
Notice to the County Clerk and Voter Registrar	<p>The governing body of a political subdivision, other than a county, that orders an election shall also deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. <i>Election Code 4.008(a)</i></p>
Notice to Election Judge	<p>Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the authority responsible for giving notice of the election shall deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction a written notice of:</p> <ol style="list-style-type: none">1. The nature and date of the election;2. The location of the polling place for the precinct served by the judge;3. The hours that the polls will be open;4. The judge's duty to hold the election in the precinct specified by the notice; and

5. The maximum number of clerks that the judge may appoint for the election.

Election Code 4.007

Failure to Give
Notice of Election

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

Filing Information

Notice to
Candidates

The authority with whom an application for a place on the ballot must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before the first day on which a candidate may file the application. An authority shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004. *Election Code 141.040*

Publication of Filing
Information Online

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office. *Gov't Code 2051.201(a), (b)(4)*

General Election

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline. Any resident, qualified elector of a junior college district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the secretary of the board not later than 5:00 p.m. of the 78th day before election day, if the election is to be held on a uniform election date. *Education Code 130.082(g); Election Code 144.005*

Special Election

An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

Election Code 201.054(a), (d)

Exception

For a special election to be held on the date of the general election for state and county officers (the November uniform election date

of even-numbered years), the filing deadline is 6:00 p.m. of the 75th day before election day. *Election Code 201.054(f)*

Write-In Candidacy

In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day, if the election is to be held on a uniform election date.

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

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

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

Application

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

Withdrawal

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

Deadline

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

Exceptions

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

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

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

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

Late Request

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

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

Election Code 145.098(a)

Death of Candidate

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

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

Election Code 145.098(b)

**Election of
Unopposed
Candidate**

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

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

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

Election Code 2.051(a)

Single-Member
Districts

In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, the unopposed candidate procedures apply to the election in a particular territorial unit if each candidate

for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. *Election Code 2.051(b)*

Procedure for
Canceling Election

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

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

Election Code 2.052(a)–(b)

Exception

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

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

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

Election Code 2.052(c)–(d)

*Declaration of
Election*

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

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

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

Election Code 2.053(a)–(c)

Ballot	The ballot shall be printed in the form required by law. <i>Election Code 52.061–.064, .069, .093–.094</i>
Ballot Position	The name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. The location on the ballot of the names of the candidates for each position shall be chosen by lot by the board. The candidate shall be eligible to run for only one position in each election. <i>Education Code 130.082(g)</i>
Propositions	<p>Except as otherwise provided by law, the authority ordering the election shall prescribe the wording of a proposition that is to appear on the ballot. A proposition shall be printed on the ballot in the form of a single statement and may appear on the ballot only once.</p> <p>If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. Otherwise, in an election in which an office and a measure are to be voted on, each proposition stating a measure shall appear on the ballot after the listing of offices.</p> <p>Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.</p> <p>Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:</p> <ol style="list-style-type: none">1. Except as provided by item 2, for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and2. For each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot. <p>Each proposition on the ballot must identify the name of the authority ordering the election on the measure.</p> <p><i>Election Code 52.072(a)–(d), .095(a)–(c)</i></p>
Election Judges and Clerks	<p>The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. <i>Election Code Chapter 32</i></p> <p>The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 who is not related</p>

in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election. *Gov't Code 573.061(8)*

Polling Places

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

Use of County
Election Precincts

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

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

Election Code 42.002(a)

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

Polling Place for
Early Voting

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

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

The political subdivision shall designate as an early voting polling place for the election an eligible county polling place located in the

political subdivision and may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

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

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

Election Code 85.010

*Temporary
Branch*

County
Population
100,000 or More

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

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

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

Election Code 85.064

County
Population Less
Than 100,000

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

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

Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

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

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

Election Code 85.065

Posting Signs
Prohibited

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

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

Election Code 62.013(a)–(b)

Electioneering

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

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

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

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

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

Election Code 61.003, 85.036

Use of Certain
Devices Prohibited

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

Exception

The prohibitions do not apply to:

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

Election Code 61.014(d)

Bilingual Materials

Spanish

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

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

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

Other Languages

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

Voting Systems

A voting system shall be selected and utilized in accordance with Election Code Title 8. *Election Code Title 8*

Voting System Standards

For a voting system or voting system equipment to be approved for use in elections, the voting system in which the equipment is designed to be used must comply with the standards prescribed by Election Code Chapter 122, Subchapter A, and be manufactured, stored, and held in the United States and sold by a company whose headquarters are located in the United States and parent company's headquarters, if applicable, are located in the United States.

A voting system or voting system equipment is considered to be manufactured in the United States if final assembly of the voting system or voting system equipment occurs in the United States and all firmware and software are installed and tested in the United States.

Election Code 122.032

Voting Machines and Punch-Card Ballots

A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. *Election Code 122.001(d)*

Voters with Disabilities

Accessible Voting Stations

Each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and its subsequent amendments and the requirements for accessibility under 42 U.S.C. 15481(a)(3) and its subsequent amendments, and provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012(a)*

Electronic Voting System Exceptions

Upon providing the notice detailed in Election Code 61.013(d), for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, a political subdivision, including a college district, is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the political subdivision is located in a county:

1. With a population of less than 2,000;
2. With a population of 2,000 or more but less than 5,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day;
3. With a population of 5,000 or more but less than 10,000, and the political subdivision provides at least one voting station

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

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

Election Code 61.013(a)

Multiple
Counties

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

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

Election Code 61.013(e)

*Multiple Voting
Systems
Permitted*

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

**Voting System
Malfunction**

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

Early Voting

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

**Conducting
Elections**

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

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: B LOCAL GOVERNANCE

Policy: BBBB Elections – Post-Election Procedures

Summary of *LEGAL* Policy:

This policy was originally approved by the Kilgore College Board of Trustees on 02/27/2023. The policy was revised by TASB on 01/05/2023 and split into three additional policies (BBBA, BBBB, and BBBC). This summary reflects the 01/05/2023 TASB update.

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance.

- This policy includes Instructions guiding the post-election procedures including:
 - Determining the results of the election
 - Canvassing the election
 - Certifying the election
 - Administering in oath of office
- The exhibit includes the “officer’s statement” which each newly elected/appointed trustee must sign, and the oath of office which each elected/appointed trustee must take.

ELECTIONS
POST-ELECTION PROCEDURESBBBB
(LEGAL)**Determination of Results**

Majority

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

Runoff Elections

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

Write-In Voting

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

Canvass Returns

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

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

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

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

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

Early Voting
Canvass—
November Election

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time

for the canvass of early voting results may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Certificate of Election

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

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

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

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

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

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

Certificate of Election for Unopposed Candidate

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

Officer's Statement

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

Oath of Office

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

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

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

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

Officer's Statement

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

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

Oath of Office

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

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

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

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

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CAID Ad Valorem Taxes - Appraisal District

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

Participation

An appraisal district is established in each county. The appraisal district is responsible for appraising property in the appraisal district for ad valorem tax purposes of each taxing unit that imposes ad valorem taxes on property in the appraisal district. *Tex. Const. Art. VIII, 18(b); Tax Code 6.01(a)–(b)*

**Appraisal District
Board of Directors**

Eligibility

The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the appraisal district as provided by Tax Code 6.03.

To be eligible to serve on the appraisal district board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the appraisal district and must have resided in the appraisal district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the appraisal district board is not ineligible because of membership on the governing body of a taxing unit.

An employee of a taxing unit that participates in the appraisal district is not eligible to serve on the board of directors unless the individual is also a member of the governing body or an elected official of a taxing unit that also participates in the appraisal district.

Tax Code 6.03(a)

Restrictions

*Nepotism and
Delinquent Taxes*

An individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual:

1. Is related within the second degree by consanguinity or affinity, as determined under Government Code Chapter 573, Subchapter B [see DBE], to an individual who is engaged in the business of appraising property for compensation for use in proceedings under the Tax Code or of representing property owners for compensation in proceedings relating to property taxes in the appraisal district; or
2. Owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Tax Code 33.02 or a suit to collect the delinquent taxes is deferred or abated under Tax Code 33.06 or 33.065.

Tax Code 6.035(a)

*Prior Service or
Involvement with
Appraisals*

An individual is ineligible to serve on the board of directors of an appraisal district if the individual:

1. Has served as a member of the board of directors for all or part of five terms, unless the individual was the county assessor-collector at the time the individual served as a board member or the appraisal district is established in a county with a population of less than 120,000;
2. Has engaged in the business of appraising property for compensation for use in proceedings under the Tax Code at any time during the preceding three years;
3. Has engaged in the business of representing property owners for compensation in proceedings under the Tax Code in the appraisal district at any time during the preceding three years; or
4. Has been an employee of the appraisal district at any time during the preceding three years.

Tax Code 6.035(a-1)

*Conflict of
Interest*

An individual is not eligible to be appointed to or to serve on the board of directors of an appraisal district if the individual or a business entity in which the individual has a substantial interest is a party to a contract with:

1. The appraisal district; or
2. A taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity governed by the Tax Code.

An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or shares of the business entity or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

Tax Code 6.036

Recall

The governing board of a taxing unit may call for the recall of a member of the board of directors of an appraisal district appointed under Tax Code 6.03 for whom the unit cast any of its votes in the appointment of the board of directors. The call must be in the form

of a resolution, be filed with the chief appraiser of the appraisal district, and state that the unit is calling for a recall of the member. *Tax Code 6.033(a)*

Terms

The taxing units participating in an appraisal district may provide that the terms of the appointed members of the appraisal district board of directors be staggered if the governing bodies of at least three-fourths of the taxing units that are entitled to vote on the appointment of appraisal district board members adopt resolutions providing for the staggered terms. *Tax Code 6.034(a)*

**Appraisal District
Employment
Restriction**

An individual may not be employed by an appraisal district if the individual:

1. Is an officer of a taxing unit that participates in the appraisal district;
2. Is an employee of a taxing unit that participates in the appraisal district; or
3. Has served as a member of the appraisal review board for the appraisal district at any time during the preceding two years.

Tax Code 6.054

Appraisal Office

The board of directors of an appraisal district may contract with an appraisal office in another appraisal district or with a taxing unit in the appraisal district to perform the duties of the appraisal office for the appraisal district. *Tax Code 6.05(b)*

**Ownership or Lease
of Real Property**

The acquisition or conveyance of real property or the construction or renovation of a building or other improvement by an appraisal district must be approved by the governing bodies of three-fourths of the taxing units entitled to vote on the appointment of appraisal district board members.

The appraisal district board of directors by resolution may propose a property transaction or other action for which Tax Code 6.051 requires approval of the taxing units. The chief appraiser shall notify the presiding officer of each governing body entitled to vote on the approval of the proposal by delivering a copy of the appraisal district board's resolution, together with information showing the costs of other available alternatives to the proposal.

On or before the 30th day after the date the presiding officer receives notice of the proposal, the governing body of a taxing unit by resolution may approve or disapprove the proposal. If a governing body fails to act on or before that 30th day or fails to file its resolution with the chief appraiser on or before the tenth day after that

30th day, the proposal is treated as if it were disapproved by the governing body.

Tax Code 6.051(b)

Proceeds

The appraisal district's board of directors may convey real property owned by the district, and the proceeds shall be credited to each taxing unit that participates in the appraisal district in proportion to the unit's allocation of the appraisal district budget in the year in which the transaction occurs. *Tax Code 6.051(c)*

**Budget and
Financing**

Each year the chief appraiser shall prepare a proposed budget for the operations of the appraisal district for the following tax year as described in Tax Code 6.06(a) and shall submit copies to each taxing unit participating in the appraisal district and to the appraisal district board of directors before June 15. *Tax Code 6.06(a)*

Public Posting

Each taxing unit entitled to vote on the appointment of appraisal district board members shall maintain a copy of the proposed budget for public inspection at its principal administrative office. *Tax Code 6.06(a)*

Budget Adoption

The appraisal district board of directors shall hold a public hearing to consider the budget. The secretary of the appraisal district board shall deliver to the presiding officer of the governing body of each taxing unit participating in the appraisal district not later than the tenth day before the date of the hearing a written notice of the date, time, and place fixed for the hearing. The appraisal district board of directors shall complete its hearings, make any amendments to the proposed budget it desires, and finally approve a budget before September 15.

If governing bodies of a majority of the taxing units entitled to vote on the appointment of appraisal district board members adopt resolutions disapproving a budget and file them with the secretary of the appraisal district board within 30 days after its adoption, the budget does not take effect, and the appraisal district board shall adopt a new budget within 30 days of the disapproval.

Tax Code 6.06(b)

Amendments

The appraisal district board may amend the approved budget at any time, but the secretary of the appraisal district board must deliver a written copy of a proposed amendment to the presiding officer of the governing body of each taxing unit participating in the appraisal district not later than the 30th day before the date the appraisal district board acts on it. *Tax Code 6.06(c)*

Allocation	Each taxing unit participating in the appraisal district is allocated a portion of the amount of the budget and must pay its allocation as provided by Tax Code 6.06. <i>Tax Code 6.06(d)</i>
Changes in Method of Financing	<p>The board of directors of an appraisal district, by resolution adopted and delivered to each taxing unit participating in the appraisal district after June 15 and before August 15, may prescribe a different method of allocating the costs of operating the appraisal district unless the governing body of any taxing unit that participates in the appraisal district adopts a resolution opposing the different method, and files it with the appraisal district board of directors before September 1. If an appraisal district board proposal is rejected, the appraisal district board shall notify, in writing, each taxing unit participating in the appraisal district before September 15.</p> <p>The taxing units participating in an appraisal district may adopt a different method of allocating the costs of operating the appraisal district in accordance with Tax Code 6.061.</p> <p><i>Tax Code 6.061(a)–(b)</i></p>
Disapproval of Appraisal District Board Actions	If the governing bodies of a majority of the taxing units entitled to vote on the appointment of appraisal district board members adopt resolutions disapproving an action, other than adoption of the budget, by the appraisal district board of directors and file them with the secretary of the appraisal district board within 15 days after the action is taken, the action is revoked effective the day after the day on which the required number of resolutions is filed. <i>Tax Code 6.10</i>
Prohibited Communications	A member of the governing body, officer, or employee of a taxing unit commits an offense if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised unless the person owns or leases the property that is the subject of the communication. <i>Tax Code 6.155</i>
Appraisal Review Boards	An appraisal review board is established for each appraisal district, unless the boards of directors of two or more adjoining appraisal districts provide for the operation of a consolidated appraisal review board by interlocal contract. Members of the appraisal review board are appointed by the local administrative district judge under Government Code Chapter 74, Subchapter D in the county in which the appraisal district is established.

The board of directors of an appraisal district, by resolution of a majority of the members, may provide for a number of auxiliary appraisal review board members that the appraisal district board considers appropriate to hear taxpayer protests before the appraisal review board and to assist the board in performing its duties.

Members of the appraisal review board, including auxiliary members, are subject to the eligibility restrictions described in Tax Code 6.412, including prohibitions on service by college district board members, officers, and employees, and Tax Code 6.413, including prohibitions on service by individuals who are parties to certain contracts.

Tax Code 6.41, .412-.413, .414(a)-(b)

Prohibition on
Contracts

A taxing unit may not enter into a contract with a member of the appraisal review board established for an appraisal district in which the taxing unit participates or with a business entity in which a member of the appraisal review board has a substantial interest as defined in Tax Code 6.413. *Tax Code 6.413(c)*

Challenge Before
Appraisal Review
Board

A taxing unit is entitled to challenge before the appraisal review board:

1. An exclusion of property from the appraisal records;
2. A grant in whole or in part of a partial exemption;
3. A determination that land qualifies for appraisal as provided by Tax Code Chapter 23, Subchapter C, D, E, or H; or
4. Failure to identify the taxing unit as one in which a particular property is taxable.

Tax Code 41.03(a)

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CAN Appropriations and Revenue Sources - Rentals and Services Charges

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

APPROPRIATIONS AND REVENUE SOURCES
RENTALS AND SERVICES CHARGES

CAN
(LEGAL)

**Fee Collection
Sources**

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

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

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August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CAO Appropriations and Revenue Sources - Public Facilities Corporations

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

APPROPRIATIONS AND REVENUE SOURCES
PUBLIC FACILITIES CORPORATIONS

CAO
(LEGAL)

Authorization A governing body of a sponsor, including a college district, that determines that it is in the public interest and to the benefit of the sponsor's residents and the citizens of this state that a corporation be created to finance, refinance, or provide the costs of public facilities of the sponsor may by resolution stating that determination authorize and approve the creation of a corporation to act on behalf of the sponsor and approve proposed articles of incorporation for the corporation as described by Local Government Code Chapter 303, Subchapter B. *Local Gov't Code 303.023*

Purpose A sponsor may create one or more nonmember, nonstock, nonprofit public facility corporations to:

1. Issue bonds under Local Government Code Chapter 303, including bonds to purchase sponsor obligations;
2. Finance public facilities on behalf of the sponsor; or
3. Loan the proceeds of the obligations to other entities to accomplish the purposes of the sponsor.

Local Gov't Code 303.021(a)

Use of the Corporation A sponsor may use the corporation to acquire, construct, rehabilitate, renovate, repair, equip, furnish, or place in service public facilities or to issue bonds on the sponsor's behalf to finance the cost of the public facilities. *Local Gov't Code 303.021(b)*

Status as a Public Facility Corporation A corporation created under Local Government Code Chapter 303 must remain a public facility corporation under Chapter 303. *Local Gov't Code 303.021(c)*

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CDB Accounting: Inventories

Summary of LOCAL Policy:

The policy sets the capitalization threshold for a purchased asset, per TASB guidance. In addition, the policy also provides authority to the College President or designee to set a capitalization threshold for a group of purchased assets where no one item meets the aforementioned threshold but where, in total, the purchase is significant.

Procedures:

- Equipment purchased for \$5,000 or higher and that has an anticipated useful life greater than or equal to one year is a capitalized asset.
- Multiple items of equipment purchased as a single project and that have an anticipated useful life greater than or equal to one year will be considered capitalized assets when the cost of all items combined is \$5,000 or higher, even if the cost of each individual item is less than \$5,000.

An institution of higher education, including a college district, shall account for all personal property as defined by the comptroller under Government Code 403.272. At all times, the property records of an institution of higher education must accurately reflect the personal property possessed by the system or institution. *Gov't Code 403.2715(c)*

Property Manager

The chief executive officer of each institution of higher education shall designate one or more property managers. The property manager shall maintain the records required and be the custodian of all personal property possessed by the institution. *Gov't Code 403.2715(d)*

State Auditor

The state auditor, based on a risk assessment and subject to the legislative audit committee's approval of including the examination in the audit plan under Government Code 321.013, may periodically examine property records or inventory as necessary to determine if controls are adequate to safeguard state property. *Gov't Code 403.2715(e), .273(h)*

Liability

A person is pecuniarily liable for the loss sustained by the state if:

1. Agency property disappears, as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care for its safekeeping;
2. Agency property deteriorates as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care to maintain and service the property; or
3. Agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

The liability may attach on a joint and several basis to more than one person in a particular instance.

Gov't Code 403.2715(e), .275

**Applicability of
Property Accounting
Statutes**

Except as provided by this policy, Government Code Chapter 403, Subchapter L does not apply to an institution of higher education. *Gov't Code 403.2715(b)*

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CFE Purchasing and Acquisition - Vendor Relations

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

PURCHASING AND ACQUISITION
VENDOR RELATIONSCFE
(LEGAL)**Required Vendor
Disclosure**

The disclosure requirement applies to a person who is a vendor.
Local Gov't Code 176.002(a)

A person is not subject to the disclosure requirements if the person is a state, a political subdivision of a state, the federal government, or a foreign government; or an employee or agent of such an entity, acting in the employee's or agent's official capacity. *Local Gov't Code 176.002(b)*

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

1. Has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor;
2. Has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor, excluding any gift that is:
 - a. A political contribution as defined by Election Code Title 15; or
 - b. Food accepted as a guest; or
3. Has a family relationship with a local government officer of that local governmental entity.

A person who is both a local government officer and a vendor of a local governmental entity is required to file the vendor questionnaire required by Local Government Code 176.006(a)(1) only if the person:

1. Enters or seeks to enter into a contract with the local governmental entity; or
2. Is an agent of a person who enters or seeks to enter into a contract with the local governmental entity.

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:
 - a. Begins discussions or negotiations to enter into a contract with the local governmental entity; or
 - b. Submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
2. The date the vendor becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer;
 - b. That the vendor has given one or more gifts; or
 - c. Of a family relationship with a local government officer.

Local Gov't Code 176.003(a)(2), (a-1), .006(a)–(b), (e)

Definitions

Vendor

“Vendor” means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Agent

“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

Business
Relationship

“Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(1-a)

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CFE
(LEGAL)

Family Member	“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(2)</i>
Family Relationship	“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code. [See DBE(EXHIBIT)] <i>Local Gov’t Code 176.001(3)</i>
Records Administrator	“Records administrator” means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. [See CIA] <i>Local Gov’t Code 176.001(5)</i>
Gift	“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov’t Code 176.001(2-b)</i>
Investment Income	“Investment income” means dividends, capital gains, or interest income generated from: <ol style="list-style-type: none">1. A personal or business:<ol style="list-style-type: none">a. Checking or savings account;b. Share draft or share account; orc. Other similar account;2. A personal or business investment; or3. A personal or business loan. <i>Local Gov’t Code 176.001(2-d)</i>
Disclosure Form	The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor’s business and family relationships with a local governmental entity. <i>Local Gov’t Code 176.006(b)</i>
Electronic Filing	The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. <i>Local Gov’t Code 176.008</i>

Updates A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

List of Local Government Officers The records administrator for a local governmental entity shall maintain a list of local government officers of the entity and shall make that list available to the public and any person who may be required to file a conflict of interest questionnaire. [See BBFA] *Local Gov't Code 176.0065*

Internet Posting A local governmental entity that maintains an internet website shall provide access to the conflict of interest questionnaires required to be filed under this policy on that website. *Local Gov't Code 176.009*

Contract Declared Void The governing body of a local governmental entity may, at its discretion, declare a contract void if the governing body determines that a vendor failed to file a conflict of interest questionnaire required by Local Government Code 176.006. *Local Gov't Code 176.013(e)*

Violations A vendor commits an offense under Local Government Code Chapter 176 if the vendor:

1. Is required to file a conflict of interest questionnaire under Local Government Code 176.006; and
2. Either:
 - a. Knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; or
 - b. Knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate.

It is an exception to the application of the offense that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the local governmental entity of the alleged violation.

Local Gov't Code 176.013(b), (g)

Note: The [Conflict of Interest Questionnaire, Form CIQ](#),¹ is available on the Texas Ethics Commission website.

¹ Conflict of Interest Forms: <https://www.ethics.state.tx.us/forms/conflict/>

KILGORE COLLEGE TASB POLICY CONVERSION

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

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CFF Purchasing and Acquisition - Payment Procedures

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

PURCHASING AND ACQUISITION
PAYMENT PROCEDURESCFF
(LEGAL)**Payment Due**

A payment by a governmental entity, including a college district, under a contract executed on or after September 1, 1987, is overdue on the 31st day after the later of the date the governmental entity receives the goods under the contract, the date the performance of service under the contract is completed, or the date the governmental entity receives the invoice for the goods or service. However, a payment under a contract executed on or after September 1, 1993, owed by a political subdivision whose governing body meets only once a month or less frequently is overdue on the 46th day after the later event of those described above. The renewal, amendment, or extension of a contract executed on or before September 1, 1993, is considered to be the execution of a new contract. *Gov't Code 2251.021*

Interest

A payment begins to accrue interest on the date the payment becomes overdue. The rate of interest that accrues on an overdue payment is the rate in effect on September 1 of the fiscal year in which the payment becomes overdue. The rate in effect on September 1 is equal to the sum of one percent and the prime rate as published in the Wall Street Journal on the first day of July of the preceding fiscal year that does not fall on a Saturday or Sunday.

Interest on an overdue payment stops accruing on the date the governmental entity or vendor mails or electronically transmits the payment.

The unpaid balance of a partial payment made within the prescribed period accrues interest, unless the balance is in dispute.

Gov't Code 2251.025(a)–(c), .029(a)

A political subdivision, including a college district, shall compute interest imposed on the political subdivision under Government Code Chapter 2251. The political subdivision shall pay the interest at the time payment is made on the principal. The political subdivision shall submit the interest payment with the net amount due for the goods or service. The political subdivision may not require a vendor to petition, bill, or wait an additional day to receive the interest due. The political subdivision may not require a vendor or subcontractor to agree to waive the vendor's or subcontractor's right to interest under Chapter 2251 as a condition of the contract between the parties. *Gov't Code 2251.027*

Early Payment Discount

The intent of the legislature is that a governmental entity should take advantage of an offer for an early payment discount. A governmental entity may not take an early payment discount a vendor offers unless the governmental entity makes a full payment within the discount period. If a governmental entity takes an early payment

discount later, the unpaid balance accrues interest beginning on the date the discount offer expires. *Gov't Code 2251.030(a)–(c)*

Exceptions

Except as provided by Government Code Chapter 2251, Subchapter D [see Alternate Vendor Remedy for Nonpayment of Contract, below], Government Code Chapter 2251, Subchapter B [see Payment Due, Interest, and Early Payment Discount, above] does not apply to a payment made by a governmental entity, including a college district, a vendor, or a subcontractor if:

1. There is a bona fide dispute between the political subdivision and a vendor, contractor, subcontractor, or supplier concerning the goods delivered or the service performed that causes the payment to be late;
2. There is a bona fide dispute between a vendor and a subcontractor or between a subcontractor and its supplier about the goods delivered or the service performed that causes the payment to be late;
3. The terms of a federal contract, grant, regulation, or statute prevent the governmental entity from making a timely payment with federal funds; or
4. The invoice is not mailed to the person to whom it is addressed in strict accordance with any instruction on the purchase order relating to the payment.

Gov't Code 2251.002(a)

**Alternate Vendor
Remedy for
Nonpayment of
Contract**

A vendor may suspend performance required under a contract with a governmental entity, including a college district, if the governmental entity does not pay the vendor an undisputed amount within the time limits provided above and the vendor gives the governmental entity written notice informing the governmental entity that payment has not been received and stating the intent of the vendor to suspend performance for nonpayment.

The vendor may not suspend performance before the later of the tenth day after the date the vendor gives the notice.

A vendor who suspends performance is not:

1. Required to supply further labor, services, or materials until the vendor is paid the amount provided for under Government Code Chapter 2251, plus costs for demobilization and remobilization; or
2. Responsible for damages resulting from suspending work if the governmental entity with which the vendor has the contract has not notified the vendor in writing before performance

is suspended that payment has been made or that a bona fide dispute for payment exists.

A notification under item 2 that a bona fide dispute for payment exists must include a list of the specific reasons for nonpayment. If a reason specified is that labor, services, or materials provided by the vendor or the vendor's subcontractor are not provided in compliance with the contract, the vendor is entitled to a reasonable opportunity to cure the noncompliance of the listed items or offer a reasonable amount to compensate for listed items for which non-compliance cannot be promptly cured.

Gov't Code 2251.051

Disputed Payment

A governmental entity shall notify a vendor of an error or disputed amount in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice, and shall include in such notice a detailed statement of the amount of the invoice which is disputed. If a dispute is resolved in favor of the vendor, the vendor is entitled to receive interest on the unpaid balance of the invoice submitted by the vendor beginning on the date that the payment for the invoice is overdue. If a dispute is resolved in favor of the governmental entity, the vendor shall submit a corrected invoice that must be paid within 30 days of receipt. The unpaid balance accrues interest if the corrected invoice is not paid by the appropriate date. The governmental entity may withhold from payments required no more than 110 percent of the disputed amount. *Gov't Code 2251.042*

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CFG Purchasing and Acquisition - Real Property and Improvements

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

PURCHASING AND ACQUISITION
REAL PROPERTY AND IMPROVEMENTSCFG
(LEGAL)**Financing**

Definitions

Contract

“Contract” means an agreement entered into under the authority of the Public Property Finance Act, Local Government Code Chapter 271, Subchapter A but does not mean a contract solely for the construction of improvements to real property. *Local Gov’t Code 271.003(2)*

Improvement

“Improvement” means a permanent building, structure, fixture, or fence that is erected on or affixed to land but does not include a transportable building or structure whether or not it is affixed to land. *Local Gov’t Code 271.003(10)*

Real Property

“Real property” means land, improvement, or an estate or interest in real property, other than a mortgage or deed of trust creating a lien on property or an interest securing payment or performance of an obligation in real property. *Local Gov’t Code 271.003(11)*

Proposed Contract

The board of trustees of a school district, including a community college district or junior college district, may execute, perform, and make payments under a contract under the Public Property Finance Act for the use or purchase or other acquisition of real property or an improvement to real property. If the board proposes to enter into such a contract, the board shall publish notice of intent to enter into the contract not less than 60 days before the date set to approve execution of the contract in a newspaper with general circulation in the district. The notice must summarize the major provisions of the proposed contract. The notice shall estimate the construction and other costs, but the board shall not publish the first advertisement for bids for construction of improvements until 60 days after publication of the notice of intent to enter into the contract. *Local Gov’t Code 271.004(a)*

Petition and
Referendum

If, within 60 days of the date of publication of the notice of intent, a written petition signed by a least five percent of the registered voters of the district is filed with the board of trustees requesting that the board order a referendum on the question of whether the contract should be approved, the board may not approve the contract or publish the first advertisement for bids for construction of improvements unless the question is approved by a majority of the votes received in a referendum ordered and held on the question.

The referendum shall be held in accordance with the applicable provisions of the Election Code. The requirement that an election must be held on a uniform election date as prescribed by the Election Code does not apply to an election held under this section.

Local Gov’t Code 271.004(b)–(c)

PURCHASING AND ACQUISITION
REAL PROPERTY AND IMPROVEMENTS

CFG
(LEGAL)

Submission to Attorney General	A lease-purchase contract entered into by the district under Local Government Code 271.004 and the records relating to its execution must be submitted to the attorney general for examination as to their validity. If the attorney general finds that the contract has been authorized in accordance with the law, the attorney general shall approve them, and the comptroller of public accounts shall register them. Following approval and registration, the contract is incontestable and is a binding obligation according to its terms. <i>Local Gov't Code 271.004(g)-(i)</i>
College District Obligation	The contract is a special obligation of the school district if ad valorem taxes are not pledged to the payment of the contract. If the contract provides that payments by the school district are to be made from maintenance taxes previously approved by the voters of the college district and are subject to annual appropriation or are paid from a source other than ad valorem taxes, the payments under the contract shall not be considered indebtedness under Tax Code 26.04(c). All or part of the obligation of the school district may be evidenced by one or more negotiable promissory notes. <i>Local Gov't Code 271.004(d)-(f)</i>
Cash Purchases with Available Funds	The requirements of the Public Property Finance Act do not apply to cash purchases of real property made with moneys from available funds. <i>Bandera Indep. Sch. Dist. v. Hamilton, 2 S.W.3d 367 (Tex. App.—San Antonio 1999, pet. denied)</i>
Eminent Domain	A college district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property on which to construct school buildings or for any other public use necessary for the district. <i>Education Code 11.155(a), 130.084; Atty. Gen. Op. CM-700 (1970)</i>
Exceptions	<p>A governmental entity, including a college district, may not take private property through the use of eminent domain if the taking confers a private benefit on a particular private party through the use of the property, is for a public use that is merely a pretext to confer a private benefit on a particular private party, is for economic development purposes, or is not for a public use.</p> <p>The governing board of an institution of higher education, including a college district, may not use the power of eminent domain to acquire land to be used for a lodging facility or for parking or a parking structure intended to be used in connection with the use of a lodging facility.</p> <p><i>Gov't Code 2206.001(b); Education Code 51.9045(b)</i></p>
Procedures	When exercising the right of eminent domain, a college district must follow the procedures found at Government Code Chapter

2206, Subchapter B and Property Code Chapter 21, Subchapter B.
Gov't Code 2206.001(a); Property Code 21.011

Reporting

Except as provided by Government Code 2206.154(b), not later than February 1 of each year, a public entity authorized by the state by a general or special law to exercise the power of eminent domain shall submit to the comptroller a report containing records and other information specified by Government Code Chapter 2206, Subchapter D for the purpose of providing the comptroller with information to maintain the eminent domain database under Government Code 2206.153. The entity shall submit the report in a form and in the manner prescribed by the comptroller.

In addition to the annual report, an entity described above shall report to the comptroller any changes to the entity's eminent domain authority information reported under this section not later than the 90th day after the date on which the change occurred.

Gov't Code 2206.151, .154(a), (c)

Repurchase of Real
Property

A person from whom a real property interest is acquired by an entity through eminent domain for a public use, or that person's heirs, successors, or assigns, is entitled to repurchase the property as provided by Property Code Chapter 21, Subchapter E if the public use for which the property was acquired through eminent domain is canceled before the property is used for that public use, no actual progress is made toward the public use for which the property was acquired between the date of acquisition and the tenth anniversary of that date, or the property becomes unnecessary for the public use for which the property was acquired, or a substantially similar public use, before the tenth anniversary of the date of acquisition. Not later than the 180th day after the date an entity that acquired a real property interest through eminent domain determines that the former property owner is entitled to repurchase the property, the entity shall send by certified mail, return receipt requested, to the property owner or the owner's heirs, successors, or assigns a notice in accordance with Property Code 21.103. *Property Code 21.101–.102*

KILGORE COLLEGE TASB POLICY CONVERSION

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

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CFH Purchasing and Acquisition - Financing Personal Property Purchases

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

PURCHASING AND ACQUISITION
FINANCING PERSONAL PROPERTY PURCHASESCFH
(LEGAL)**Definitions**

Contract

“Contract” means an agreement entered into under the authority of the Public Property Finance Act, Local Government Code Chapter 271, Subchapter A but does not mean a contract solely for the construction of improvements to real property. *Local Gov’t Code 271.003(2)*

Personal Property

“Personal property” includes appliances, equipment, facilities, and furnishings, or an interest in personal property, whether movable or fixed, considered by the board to be necessary, useful, or appropriate to one or more purposes of the college district. The term includes all materials and labor incident to the installation of that personal property. The term includes electricity and cloud computing services. The term does not include real property. *Local Gov’t Code 271.003(8)*

Authority

The governing body of a governmental agency, including a college district, may execute, perform, and make payments under a contract with any person for the use or the purchase or other acquisition of any personal property, or the financing thereof, in accordance with the requirements of the Public Property Finance Act.

The governing body of a governmental agency may contract under Local Government Code 271.005 for materials and labor incident to the installation of personal property.

Local Gov’t Code 271.005(a)–(b)

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

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August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CK Insurance and Annuities Management

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

INSURANCE AND ANNUITIES MANAGEMENT

CK
(LEGAL)**Commercial Insurance Plans**

Associations of public employees and the governing boards and authorities of colleges are authorized to procure contracts with any insurance company authorized to do business in this state insuring their respective employees under a policy or policies of group health, accident, accidental death and dismemberment, disability income replacement, and hospital, surgical, and/or medical expense insurance, or a group contract providing for annuities. The dependents of any such employees may be insured under group policies which provide hospital, surgical, and/or medical expense insurance. *Insurance Code 3.51 1(a)*

Premium Payments

The premium for the policy may be paid wholly or partly from funds contributed by the employer, the individuals insured under the policy, or the insured employees who are members of the association of employees. The employer may deduct from an employee's salary the employee's contribution for the premiums if authorized to do so in writing by that employee. *Insurance Code 3.51, 1131.303*

Self-Insurance Fund

A governmental unit, including a college district, may establish a self-insurance fund to protect the governmental unit and its officers, employees, and agents from any insurable risk or hazard. The governmental unit may issue public securities and use the proceeds for all or part of the fund or use any money available to the governmental unit for the fund.

The governmental unit may purchase reinsurance for a risk covered through the fund. Any law, including a regulation, requiring insurance may be satisfied by coverage provided through the fund. Any law, including a regulation, requiring a certificate of insurance or an insurance agent's signature, countersignature, or approval may be satisfied by a certificate of coverage issued on behalf of the governmental unit demonstrating that coverage is provided through the fund.

Gov't Code 2259.031

Risk-Retention Groups

A governmental unit, including a college district, may become a member of a risk retention group or purchasing group created under the Liability Risk Retention Act of 1986, 15 U.S.C. 3901 et. seq., to obtain insurance against an insurable risk. *Gov't Code 2259.061*

Designated Broker of Record

A junior college district may not use a designated broker of record to purchase insurance contracts with premiums of an aggregate value of \$50,000 or more for each 12-month period. If the district expends less than \$50,000, in the aggregate, on insurance premiums for each 12-month period, the district may use a designated broker of record to purchase insurance contracts, but the board shall ensure that the use of a designated broker of record is in the

district's best interest and select a designated broker of record in a manner it determines is consistent with good business management. [See CF] *Education Code 44.031; Atty. Gen. Op. JC-205 (2000) (applying the purchasing limits in Education Code 44.031 consistent with Education Code 44.0311)*

**Disclosure of
Interested Parties**

A governmental entity or state agency may not enter into a contract with a business entity that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305, with certain exceptions, unless the business entity, in accordance with Government Code 2252.908 and rules adopted by the Texas Ethics Commission, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. [See GL] *Gov't Code 2252.908*

KILGORE COLLEGE TASB POLICY CONVERSION

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

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Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CKB Insurance and Annuities Management – Liability Insurance

Summary of *LEGAL* Policy:

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

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INSURANCE AND ANNUITIES MANAGEMENT
LIABILITY INSURANCE

CKB
(LEGAL)

Liability Insurance

The governing board of an institution of higher education may purchase insurance insuring the institution and its employees against any liability, risk, or exposure and covering the losses of any institutional property. The governing board may pay the cost of any insurance from any funds of the institution. Government Code 612.002(b) does not apply to an institution of higher education purchasing insurance under Education Code 51.966. *Education Code 51.966; Atty. Gen. Op. JH-70 (1973)*

**Tort Claims Act
Liability Insurance**

Each governmental unit other than a unit of state government may purchase insurance policies protecting the unit and the unit's employees against claims for property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of an employee acting within the scope of the individual's employment if:

1. The property damage, personal injury, or death arises from the operation or use of a motor vehicle or motor-driven equipment; and
2. The employee would be personally liable to the claimant according to Texas law.

A unit of state government may purchase such a policy only to the extent that the unit is authorized or required to do so under other law.

Civ. Prac. & Rem. Code 101.021, .027(a)

**Tort Claims
Payments**

A local government, including a college district, may pay actual damages awarded against an employee of the local government if the damages result from an act or omission by the employee in the course and scope of employment for the local government and arise from a cause of action for negligence. The local government may also pay the court costs and attorney's fees awarded against an employee for whom the local government may pay damages under this section.

A local government may not pay damages awarded against an employee that arise from a cause of action for official misconduct or arise from a cause of action involving a willful or wrongful act or omission or an act or omission constituting gross negligence.

Civ. Prac. & Rem. Code 102.002

**Sexual Harassment
Claims**

A political subdivision, including a college district, may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is:

1. An elected or appointed member of the governing body of the political subdivision; or
2. An officer or employee of the political subdivision.

Local Gov't Code 180.008(b)

Defense Counsel

A local government, including a college district, may provide counsel to represent a defendant for whom the local government may pay damages. The counsel provided by the local government may be the local government's regularly employed counsel, unless there is a potential conflict of interest between the local government and the defendant, in which case the local government may employ other legal counsel to defend the suit. *Civ. Prac. & Rem. Code 102.004*

Mold Remediation

A person is not liable in a civil lawsuit for damages related to a decision to allow occupancy of a property after mold remediation has been performed if a certificate of mold damage remediation has been issued for the property, the property is owned or occupied by a governmental entity, including a college district, and the decision to occupy was made by the owner, occupier, or any person authorized by the owner or occupier to make the decision. *Occupations Code 1958.304; 16 TAC 78.150(e)*

**For Law
Enforcement Motor
Vehicles**

The governing body of a political subdivision, including a college district, shall provide for insuring each law enforcement officer appointed or employed by the political subdivision against liability to third persons arising out of the officer's operation of a motor vehicle owned, leased, or otherwise controlled by the political subdivision at any time the officer is authorized to operate the vehicle, including times that the officer is authorized to operate the vehicle while off duty. The motor vehicle liability coverage must be in amounts not less than those required by Transportation Code Chapter 601, Subchapter D to establish financial responsibility. A political subdivision may satisfy this requirement by:

1. Electing to be self-insured;
2. Entering into a risk retention group, risk management pool, or interlocal contract with other political subdivisions; or
3. Providing for coverage by an insurance company authorized to write motor vehicle liability insurance coverage.

The policy may exclude coverage for operation of a motor vehicle in the commission of a criminal offense other than a traffic offense.

Gov't Code 612.005

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CKC Insurance and Annuities Management - Deferred Compensation and Annuities

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

INSURANCE AND ANNUITIES MANAGEMENT
DEFERRED COMPENSATION AND ANNUITIESCKC
(LEGAL)**Deferred
Compensation—
Section 457**

A political subdivision or institution of higher education may contract with an employee for the deferment of any part of the employee's compensation. A contract created under this section need not be in writing and may be communicated to the plan administrator electronically or by any other means approved by the plan's trustees. *Gov't Code 609.007(a), (d)–(e)*

College District Plan

A junior college district, either alone or by contract with other political subdivisions or institutions of higher education, may create and administer a deferred compensation plan, the federal income tax treatment of which is governed by Section 457 of the Internal Revenue Code of 1986, and its subsequent amendments, for its employees and may assess a fee on each participating employee for administering the plan.

The organization and implementation of such a deferred compensation plan shall be in accordance with Government Code Chapter 609.

Gov't Code 609.102, .702

Texa\$aver

Pursuant to Government Code Chapter 609, Subchapter C and 34 Administrative Code Chapter 87, employees of community colleges and junior colleges are eligible to participate in the Texa\$aver plan only if such community college or junior college has opted to participate in the Texa\$aver 457 plan. *34 TAC 87.5(d)*

Payroll Deductions

Except as provided by Government Code 609.5025, to participate in a deferred compensation plan, an employee must consent in the contract to automatic payroll deductions in an amount equal to the deferred amount. *Gov't Code 609.007(c)*

**Annuities—Section
403(b)**

The governing board of a state-supported institution of higher education, including a college district, may enter into agreements with the entity's employees for the purchase of annuities or for contributions to any type of investment for the entity's employees as authorized in Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments.

The governing board, as appropriate, may:

1. Reduce the salary of participants when authorized by the participants and shall apply the amount of the reduction to the purchase of annuity contracts or to contributions to any type of investment authorized in Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments, the exclusive control of which will vest in the participants; and

2. Develop a system to allow or require participants to electronically authorize participation, purchases of annuity contracts, and contributions to investments.

Art. 6228a-5, Sec 1-2, V.A.T.S.

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CQ College District Auxiliary Enterprises

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

COLLEGE DISTRICT AUXILIARY ENTERPRISES

CQ
(LEGAL)**Retail Stores**

A retail store that is owned or operated by an institution of higher education, including a college district, may not enter into a transaction for the sale or lease of goods or services in which the institution extends the credit of the state to the obligor.

This prohibition does not apply to an extension of credit to a student for the purchase of books or other educational supplies if the credit may be offset against undistributed grant or loan funds that are held by the institution for the student or that the institution is entitled to receive on behalf of the student. The institution may not withhold grant or loan funds to require the student to purchase books or educational supplies from a store that it owns or operates.

Education Code 51.929

**Center for
Technology Transfer**

In accordance with Education Code Chapter 153, an institution of higher education, including a college district, subject to approval by its governing board, is authorized to establish centers to manage, transfer, market, or otherwise commercialize technology owned by it or in which it owns an interest. Each center shall be administered within an institution of higher education. Centers may provide services to multiple institutions of higher education. An institution of higher education may contract with a center under the control of a governing board other than its own. *Education Code 153.001*

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: E INSTRUCTION

Policy: EFBA Degrees and Certificates – Associate Degrees and Certificates

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and follows the required processes and approval mechanisms required by the Texas Higher Education Coordinating Board when standing up new degrees and certificates at the organization.

DEGREES AND CERTIFICATES
ASSOCIATE DEGREES AND CERTIFICATESEFBA
(LEGAL)

Definitions	
Academic Associate Degree	An “academic associate degree” is an associate degree that will satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. <i>19 TAC 9.1(1)</i>
Academic Courses	“Academic courses” are semester credit courses included or allowed under the provisions of the Lower-Division Academic Course Guide Manual designed for college transfer to institutions of higher education in completion of associate and baccalaureate degree programs. <i>19 TAC 9.1(2)</i>
Applied Associate Degree	An “applied associate degree” is an associate degree intended to lead directly to employment following graduation and may satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. <i>19 TAC 9.1(3)</i>
Associate Degree Program	An “associate degree program” is a grouping of courses designed to lead the individual directly to employment in a specific career or to transfer to an upper-level baccalaureate program. This specifically refers to the associate of arts (AA), associate of science (AS), associate of applied arts (AAA), associate of applied science (AAS), and associate of occupational studies (AOS) degrees. The term “applied” in an associate degree name indicates a program designed to qualify students for immediate employment. <i>19 TAC 9.1(4)</i>
Career Technical / Workforce Program	“Career technical/workforce program” is an applied associate degree program or a certificate program for which semester credit hours, quarter credit hours, or continuing education units are awarded and which is intended to prepare students for immediate employment or a job upgrade in a specific occupation. <i>19 TAC 9.1(5)</i>
Certificate Program	“Certificate program” means workforce programs designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs serve as building blocks and exit points for AAS degree programs. <i>19 TAC 2.3(8), 9.1(7)</i>
Continuing Education Unit or CEU	A “continuing education unit or CEU” is defined as ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education. <i>19 TAC 2.3(12), 9.1(11)</i>
New Content	“New content,” as determined by the institution, is content that the institution does not currently offer at the same instructional level as the proposed program. A program with sufficient new content to constitute a ‘significant departure’ from existing offerings under 34 C.F.R. 602.22(a)(1)(ii)(C) meets the 50 percent new content threshold. <i>19 TAC 2.3(20)</i>

DEGREES AND CERTIFICATES
ASSOCIATE DEGREES AND CERTIFICATES

EFBA
(LEGAL)

Technical Courses or Programs	“Technical courses or programs” mean workforce education courses or programs for which semester/quarter credit hours are awarded. <i>19 TAC 9.1(28)</i>
Texas Classification of Instructional Programs (CIP) Coding System	The “Texas Classification of Instructional Programs (CIP) Coding System” is the Texas adaptation of the federal Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data. The eight-digit CIP codes define the authorized teaching field of the specified program, based upon the occupation(s) for which the program is designed to prepare its graduates. <i>19 TAC 2.3(30)</i>
Workforce Continuing Education Course	“Workforce continuing education course” means a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or vocational purposes and is not supported by state funding. <i>19 TAC 9.1(31)</i>
Workforce Education	“Workforce education” means career technical/workforce courses and programs for which semester/quarter credit hours and/or CEUs are awarded and vocational courses and programs for which CEUs are awarded. Workforce career technical/workforce education courses and programs prepare students for immediate employment or a job upgrade within specific occupational categories. <i>19 TAC 9.1(32)</i>
Academic Associate Degree Programs	An academic associate degree may be called an associate of arts (AA), an associate of science (AS), or an associate of arts in teaching (AAT) degree. <i>19 TAC 2.53(a), 9.183(a)</i>
AA Only	The AA is the default title for an academic associate degree program if the college district offers only one type of academic degree program. <i>19 TAC 2.53(a)(1), 9.183(a)(1)</i>
AA and AS	If a college district offers both AA and AS degrees, the degree programs may be differentiated in one of two ways, including: <ol style="list-style-type: none">1. The AA program may have additional requirements in the liberal arts and/or the AS may have additional requirements in disciplines such as science, mathematics, or computer science; or2. The AA program may serve as a foundation for the bachelor of arts (BA) degree and the AS program for the bachelor of science (BS) degree. Each academic associate degree must provide a clearly articulated curriculum that can be associated with a discipline or field of study

leading to a baccalaureate degree, and must be identified as such in the institution's program inventory.

19 TAC 2.53(a)(2)–(3), 9.183(a)(2)

AAT

The AAT is a specialized academic associate degree program designed to transfer in its entirety to a baccalaureate program that leads to initial Texas teacher certification. This title should only be used for an associate degree program that consists of a Coordinating Board-approved AAT curriculum or an education field of study curriculum. *19 TAC 2.53(a)(4), 9.183(a)(3)*

Semester Credit
Hours

An associate degree is limited to 60 semester credit hours (SCH) unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree under Education Code 61.05151. If the minimum number of SCH required to complete a proposed associate program exceeds 60, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-hour limit. Coordinating Board staff will review the documentation provided and make a determination to approve or deny a request to exceed the 60-hour limit. Board staff will review the documentation provided and make a determination to approve or deny a request to exceed the 60-semester credit hour limit. *19 TAC 2.70, 9.183(b)–(c)*

Curriculum

Except as provided below, academic associate degree programs must incorporate the institution's approved core curriculum as prescribed by 19 Administrative Code 4.28 and 19 Administrative Code 4.29:

1. An institution may offer a specialized academic associate degree that incorporates a Coordinating Board-approved field of study curriculum as prescribed by 19 Administrative Code 4.32 and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.
2. An institution may offer a specialized academic associate degree that incorporates a voluntary statewide transfer compact and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.
3. An institution that has a signed articulation agreement with a public university to transfer a specified curriculum may offer a specialized AA or AS, but not AAT, degree program that incorporates that curriculum.

19 TAC 2.53(b), 9.183(d)

New Academic
Associate Degree
Programs

New academic associate degree programs shall be approved if all of the conditions set out below are met.

The institution shall certify that the following criteria have been met:

1. The program has institution and governing board approval.
2. There is recent evidence of both short-term and long-term student demand for the program.
3. Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.
4. The institution has an enrollment management plan for the program.
5. If the program does not follow a Coordinating Board-approved field of study curriculum or a Coordinating Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process to establish transfer of credit articulation agreements for the program with senior-level institutions.
6. The program is designed to be consistent with the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), other applicable accrediting agencies, and is in compliance with applicable licensing authority requirements.
7. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.
8. The program complies with all applicable provisions contained in divisions of 19 Administrative Code Chapter 9, Subchapter J, and adheres to the Standards for Academic Associate Degree Programs approved by the Coordinating Board.

The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.

The Coordinating Board delegates to the commissioner final approval authority for all certificate programs, applied associate degree programs, and academic associate degrees that meet board policies for approval as outlined in the Guidelines for Instructional Programs in Workforce Education and 19 Administrative Code Chapter 9, Subchapter J. The commissioner may delegate this final authority.

19 TAC 9.184(a)

Approval Process

These provisions apply to each program for which an institution has submitted a required planning notification on or after June 1, 2023. For a proposed program not required to submit a planning notification, these rules apply to a program submitted for notification or approval on or after September 1, 2023. 19 Administrative Code 2.58 takes immediate effect. *19 TAC 2.74*

*Planning
Notification*

An institution of higher education seeking approval to offer a degree program under 19 Administrative Code Chapter 2, Subchapter D, must submit a planning notification to Coordinating Board staff in accordance with 19 Administrative Code Chapter 2, Subchapter C, [see EFB] prior to submitting an administratively complete request for a new associate degree proposal. This requirement does not apply to a proposed associate degree submitted pursuant to 19 Administrative Code 2.57 and 2.58.

Except as provided by 19 Administrative Code 2.54(b), a requesting institution must submit a planning notification in accordance with 19 Administrative Code Chapter 2, Subchapter C.

19 TAC 2.52, .54(a)

Approval Levels

This provision outlines how public junior colleges may request approval for a new academic associate degree. Proposed programs are subject to assistant commissioner approval under 19 Administrative Code 2.4(2), and in accordance with the applicable provisions under 19 Administrative Code Chapter 2, Subchapter A, and 19 Administrative Code Chapter 2, Subchapter D, except as specifically provided by this provision.

An institution of higher education may offer an associate degree as an embedded credential to a student enrolled in an approved baccalaureate degree program. Approval of a proposed embedded associate degree program is subject to the assistant commissioner expedited review approval process under 19 Administrative Code 2.4(2)(B)(ii). The institution may request approval for the academic associate degree as part of the application for the baccalaureate program or under the provisions of 19 Administrative Code 2.54 [see EFB].

19 TAC 2.54, .58

Request	<p>A requesting institution must submit an application to offer a new academic associate degree using the forms available on the Coordinating Board's website.</p> <p>The institution must demonstrate that the proposed program obtained institution and governing board approval prior to submission.</p> <p>The assistant commissioner, commissioner, or Coordinating Board, as applicable, shall approve or deny the proposed program within the timelines specified in 19 Administrative Code 2.4 after receipt of the complete program proposal. If the assistant commissioner, commissioner, or Coordinating Board does not act to approve or deny the proposal within one year of administrative completeness, the program is considered approved.</p> <p>Upon approval, Coordinating Board staff will add the new degree program to the institution's official program inventory. The program inventory contains the list of degrees and certificates with official Coordinating Board approval.</p> <p><i>19 TAC 2.55(b), (d), (f)–(g)</i></p>
Revisions	<p>An institution may request a revision or modification to an approved associate degree under 19 Administrative Code 2.7 [see EFB]. <i>19 TAC 2.72</i></p>
Criteria	<p>All proposed associate degree programs must meet the criteria set out in 19 Administrative Code Chapter 2, Subchapter D, in addition to the general criteria in 19 Administrative Code 2.5 [see EFB].</p> <p>Coordinating Board staff shall ensure that each institution certifies and provides required evidence that a proposed academic associate degree meets the criteria in Section 2.5 and the following criteria in its proposal request.</p> <p>If the program does not follow a Coordinating Board-approved field of study curriculum or a Coordinating Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process to establish transfer of credit articulation agreements for the program with senior-level institutions.</p> <p>The institution shall certify that the proposed program complies with all applicable provisions contained in divisions of 19 Administrative Code Chapter 2, Subchapter A and Subchapter D.</p> <p><i>19 TAC 2.56</i></p>
<i>Program Review</i>	<p>Board staff shall conduct post-approval reviews in accordance with 19 Administrative Code Chapter 2, Subchapter I. <i>19 TAC 2.71</i></p>
<i>Audits</i>	<p>The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the</p>

	requirements of 19 Administrative Code Chapter 9, Subchapter J. <i>19 TAC 9.184(b)</i>
<i>Program Phase-Out</i>	An institution may request to phase out an associate degree program under 19 Administrative Code Chapter 2, Subchapter H [see EFB]. <i>19 TAC 2.73</i>
Multidisciplinary Studies Associate Degree Program	<p>Education Code 130.0104 requires the governing boards of each public junior college district to establish a multidisciplinary studies associate degree. A multidisciplinary studies associate degree program is a coordinating board-approved associate of arts or associate of science degree composed of the college's core curriculum and enough additional courses to equal 60 semester credit hours (SCH). The SCH beyond the core curriculum must be selected by the student, in consultation with an academic adviser, and transfer to a specific field of study or major at a university of the student's choice.</p> <p>A multidisciplinary studies associate degree program established at a public junior college under this section must require a student to successfully complete:</p> <ol style="list-style-type: none">1. The public junior college's core curriculum adopted under Education Code 61.822, as defined by 19 Administrative Code 4.28; and2. Courses selected by the student in the student's completed degree plan, accounting for all remaining credit hours required for the completion of the degree program. <p>The multidisciplinary studies associate degree program must emphasize the student's transition to a particular four-year college or university that the student chooses and prepare the student for the intended field of study or major at the four-year college or university.</p> <p>A student enrolled in a multidisciplinary studies associate degree program shall file a degree plan [see EFCC]. The student must meet with an academic advisor to complete a required degree plan that:</p> <ol style="list-style-type: none">1. Accounts for all remaining credit hours required for the completion of the degree program;2. Emphasizes the student's transition to a particular four-year college or university that the student chooses; and3. Prepares for the student's intended field of study or major at the four-year college or university. <p><i>Education Code 130.0104(a)–(b); 19 TAC 2.57, 9.552(5), .553.–554</i></p>

Academic Certificate

Institutions of higher education, including college districts, are encouraged to develop undergraduate academic certificate programs of less than degree length. Undergraduate academic certificates may be awarded upon the completion of:

1. The Coordinating Board-approved core curriculum of the institution;
2. A Coordinating Board-approved field of study curriculum; or
3. Fifty percent of the courses specified in a voluntary statewide transfer compact.

Undergraduate academic certificates which meet one of the criteria above require Coordinating Board notification and are automatically approved.

19 TAC 4.38, 9.185

Approval Process

These provisions apply to a certificate subject to 19 Administrative Code Chapter 2, Subchapter B, submitted for approval on or after September 1, 2023.

A public institution of higher education must provide notification to the Coordinating Board to offer a new certificate program. "Certificate" is defined in 19 Administrative Code Chapter 2, Subchapter A, except as follows:

1. The term "certificate" does not include a transcriptable minor.
2. Certificate excludes an associate's degree.
3. Certificate excludes career technical/workforce programs intended to prepare students for immediate employment or a job upgrade in a specific occupation.
4. Certificate excludes non-credit certificates.

A certificate is deemed approved when the institution successfully files the notification containing all information required below, in accordance with the notification only process in 19 Administrative Code 2.4(a)(1) [see EFB]. If Coordinating Board staff determines that an institution fails to provide the information required by this section, Coordinating Board staff may reject the submission and pend approval until the information is complete.

Coordinating Board staff will add the new certificate program to the institution's official program inventory. The program inventory contains the list of degrees and certificates approved by the Coordinating Board.

19 TAC 2.31, .33-.34

*Content of
Notification*

Not later than the 90th day after an institution initially offers a certificate program, each institution shall provide, in a manner prescribed by Coordinating Board staff, the following information:

1. The number of semester credit hours for the certificate;
2. The CIP code for the certificate, if applicable;
3. The CIP codes for all courses that comprise the certificate;
4. The name or designation of the certificate;
5. The type of certificate, if applicable;
6. Whether the certificate when earned in combination with any other certificate, defined set of courses, or other requirements leads to the award of another credential, including an associate's degree or bachelor's degree; and
7. Other information required to facilitate inclusion of the certificate program in a state credential repository or student advising resources.

19 TAC 2.32

**Career Technical /
Workforce Degree
and Certificate
Programs**

Requests for new associate degree and certificate programs shall be made in accordance with the procedures stipulated in 19 Administrative Code 9.93(b), below.

Public two-year colleges shall request new associate degree and certificate programs using the appropriate degree program request form. Public two-year colleges must submit documentation sufficient to establish that the new program meets all of the criteria listed below. Coordinating Board staff will review all requests for new programs within five business days of receipt. If Coordinating Board staff determines that the request is incomplete and additional information or documentation is needed, the institution must respond with all of the requested information or documentation within ten working days or the request will be returned to the institution. An institution may resubmit a request that was incomplete as soon as it has obtained the requested information or documentation.

New associate degree and certificate programs shall be approved if all of the following conditions are met, provided that the number of SCH required to complete a proposed associate degree program does not exceed 60 SCH.

1. The institution shall certify that:
 - a. The program has institutional and governing board approval.

- b. The institution has researched and documented current job market need for the program and/or that the program would lead to opportunities for further education.
- c. There is recent evidence of both short-term and long-term student demand for the program.
- d. Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.
- e. Basic and career technical/workforce skills have been integrated into the curriculum.
- f. The institution has an enrollment management plan for the program.
- g. The institution has or will initiate a process to establish articulation agreements for the program with secondary and/or senior-level institutions.
- h. The program is designed to be consistent with the standards of the SACSCOC, and with the standards of other applicable accrediting agencies, and is in compliance with appropriate licensing authority requirements.
- i. The program would not unnecessarily duplicate existing programs at other institutions.
- j. Representatives from private sector business and industry have been involved in the creation of the program through participation in an advisory committee.
- k. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.
- l. New costs during the first five years of the program would not exceed \$2 million.
- m. The institution has an improvement plan in place for all career technical/workforce programs that do not currently meet Coordinating Board standards for both graduation and placement.
- n. The appropriate Higher Education Regional Council has been notified in writing of the proposal for a new program, and no unresolved objections to the program have been reported.
- o. Skill standards recognized by the Texas Skill Standards Board, if they exist for the discipline, have been reviewed and considered for inclusion in the curriculum for the program.

2. If a proposed two-year career technical/workforce education program or certificate program meets the stipulated conditions, the institution shall submit a request to the assistant commissioner for workforce, academic affairs and research to add the program. If a proposed program does not meet the stipulated conditions, the institution must submit a proposal using the standard electronic new program application process.
3. If the number of SCH required to complete a proposed associate's program exceeds 60, the institution must provide detailed written documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-hour limit. The Coordinating Board will review the documentation provided and make a determination to approve or deny a request to exceed the 60-hour limit. Institutions of higher education must be in compliance with this paragraph on or before the 2015 fall semester.
4. The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.
5. If objections to the proposed program are received by the Coordinating Board staff, the proposed program shall not be implemented until all objections are resolved.

The commissioner shall forward a program to the Coordinating Board for consideration at an appropriate quarterly meeting if either of the following conditions is met: the proposed program is the subject of an unresolved grievance or dispute between institutions; or the commissioner has disapproved the proposed program and the institution has requested a Coordinating Board review.

19 TAC 9.93(a)–(b), (e)

Revisions	Revision of an existing associate degree or certificate program shall be approved if all of the requirements above at item 1 at Career Technical / Workforce Degree and Certificate Programs are met. To request a change of CIP code for an existing degree or certificate program, the institution shall notify the Coordinating Board staff and certify that the revised program meets the requirements listed above at item 1. If the revision of an existing degree or certificate program meets the conditions stipulated at item 1, the institution shall submit a request to the assistant commissioner for academic affairs and research to revise the program. The Coordinating Board staff shall update the institution's program inventory accordingly. If a program revision does not meet the conditions stipulated, the institution shall submit a revision request using the standard electronic program revision request process. <i>19 TAC 9.93(f)–(i)</i>
Audits	The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the requirements in 19 Administrative Code Chapter 9, Subchapter E. <i>19 TAC 9.93(m)</i>
Administrative Officials	All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the SACSCOC. <i>19 TAC 9.93(j)</i>
Faculty and Staff	Faculty and staff must be approved by the postsecondary institution. <i>19 TAC 9.93(k)</i>
Limitation on SCH Requirements	<p>To earn an associate degree, a student may not be required by an institution of higher education, including a college district, to complete more than the minimum number of SCH required for the degree by the SACSCOC or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional SCH for the degree. The Coordinating Board may review one or more of an institution's associate degree programs to ensure compliance with this section.</p> <p>This section does not apply to an associate degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester. This provision does not prohibit the institution from reducing the number of SCH the student must complete to receive the degree.</p>

Education Code 61.05151

State Funding

No funds appropriated to any public two-year college or other institution providing certificate or associate degree programs shall be expended for any program that has not been approved by the commissioner or the assistant commissioner for workforce, academic affairs and research or, when applicable, by the Coordinating Board. *19 TAC 9.96*

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: E INSTRUCTION

Policy: EFBB Degrees and Certificates – Baccalaureate Degrees

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and unfortunately has not reached the financial requirements outlined in this policy to be eligible to offer a baccalaureate degree.

DEGREES AND CERTIFICATES
BACCALAUREATE DEGREESEFBB
(LEGAL)

The Coordinating Board may authorize public junior colleges to offer baccalaureate degree programs as provided by Education Chapter 130, Subchapter L. Offering a baccalaureate degree program under Subchapter L does not otherwise alter the role and mission of a public junior college.

All baccalaureate degree programs offered at public junior colleges must comply with the provisions of 19 Administrative Code Chapter 9, Subchapter N. A public junior college offering a baccalaureate degree program under Subchapter N must meet all applicable accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of a Level II institution.

Degree programs offered under Education Code Chapter 130, Subchapter L and 19 Administrative Code Chapter 9, Subchapter N are subject to the continuing approval of the Coordinating Board.

Education Code 130.302, .306(c); 19 TAC 2.87(c), 9.673(a)–(b), (e)–(f)

Definitions

Baccalaureate
Degree Programs

“Baccalaureate degree programs” means any grouping of subject matter courses consisting of at least 120 semester credit hours which, when satisfactorily completed by a student, will entitle that student to a degree from a public junior college, public senior college or university, or a medical or dental unit. *19 TAC 9.672(1)*

Bachelor of Applied
Arts and Science

A “Bachelor of Applied Arts and Science (BAAS)” builds on an Associate of Applied Science (AAS) degree, as defined in 19 Administrative Code 9.1 [see EFBA], combined with enough additional core curriculum courses and upper-level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May also be called a Bachelor of Applied Technology (BAT) or Bachelor of Applied Science (BAS). *19 TAC 2.3(4), 9.672(2)*

Pilot Project

“Pilot project” refers to a public junior college authorized by the Coordinating Board to offer a baccalaureate degree before January 1, 2017. *19 TAC 2.3(21), 9.672(10)*

Positive
Assessment of the
Overall Financial
Health of a District

“Positive assessment of the overall financial health of a district” means a score of 2.0 or higher on the composite financial index as produced by the Coordinating Board in the annual Community College Financial Condition Report. (As required by the General Appropriations Act, 85th Texas Legislature, Article III, Public Community/Junior Colleges, Rider 12 and any successor(s) thereto). *19 TAC 9.672(11)*

**Former Pilot
Program Participants**

The Coordinating Board shall authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs. *Education Code 130.303(a)*

Applied Science

The Coordinating Board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and have demonstrated a workforce need. *Education Code 130.303(b), 19 TAC 2.87(a)*

Dental Hygiene

The Coordinating Board shall authorize baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. *Education Code 130.304*

**Financial
Requirements**

A public junior college may be approved to offer a baccalaureate degree program only if its junior college district:

1. Has a taxable property valuation of not less than \$6 billion based on the preceding year's calculations as determined by the county's appraisal district. This valuation shall include the valuation of the taxing district as well as any branch campus maintenance tax valuations; and
2. Has received a positive assessment of the overall financial health, as defined in 19 Administrative Code 9.672, on the most recent Community College Financial Condition Report. If changes to financial reporting, mandated by external financial governing bodies as defined in Section 9.672 directing financial reporting processes, or other extraordinary factors have a short-term impact to the assessment of the financial health of the institution, the Coordinating Board may, at the commissioner's discretion:
 - a. Use the most recent report not impacted by the mandated changes; or
 - b. Calculate the financial health correcting for the mandated changes or extraordinary factors.

Education Code 130.307(b); 19 TAC 9.673(d)

Navarro College

The requirement of item 1, above, does not apply to baccalaureate degree programs in nursing if the public junior college district:

1. Has a taxable property valuation of not less than \$4 billion on the preceding year's calculations as determined by the county's appraisal district; and
2. Does not have a four-year institution of higher education located in county(ies) of the public junior college district.

Education Code 130.307(b-1); 19 TAC 9.673(e)

Criteria

All Programs

In determining whether a public junior college may offer baccalaureate degree programs and what degree programs may be offered, the Coordinating Board shall:

1. Apply the same criteria and standards the Coordinating Board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and
2. Consider the following factors:
 - a. Whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and
 - b. The ability of the junior college to support the degree programs with student enrollment and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources.

Before a baccalaureate degree program can be offered at a public junior college, these additional requirements must be met:

1. Workforce need for the degree program must be documented in the region served by the junior college;
2. How the degree program would complement the other programs and course offerings of the junior college; and
3. Documentation of program success for the underlying associate degree, such as licensure pass rates, employment placement rates, and completion rates.

The Coordinating Board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

Education Code 130.307(a), (d); 19 TAC 9.674(a)–(b), .675(b)

Nursing Programs

Before a public junior college may offer a baccalaureate degree program in nursing, the institution shall:

1. Provide evidence to the Coordinating Board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space and documentation from each clinical site provider indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit;
2. Establish that the corresponding associate degree nursing program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores for the previous three years;
3. Be a bachelor of science degree program that meets the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and
4. Be accredited or seeking accreditation by a national nursing accrediting body recognized by the United States Department of Education.

Education Code 130.308; 19 TAC 9.676

Application

Before a public junior college may be authorized to offer a baccalaureate degree program, the public junior college must submit a report to the Coordinating Board that includes:

1. A long-term financial plan for receiving accreditation from the SACSCOC;
2. A long-term plan for faculty recruitment that:
 - a. Indicates recruitment strategies and the ability to pay the increased salaries of doctoral faculty; and
 - b. Ensures the program would not draw faculty employed by a neighboring institution offering a similar program; and
3. Detailed information on the manner of program and course delivery.

Before a public junior college may offer a baccalaureate degree program, the institution must provide at least three articulation agreements with general academic teaching institutions or medical and dental units that:

1. Provide detailed information regarding existing course transfer and dual enrollment pathways, detailing the maximum

number of students that can be served by the agreements;
and

2. Explain why existing facilities and resources cannot be expanded to meet workforce need; and
3. Documentation that the established articulation agreements are at capacity; or
4. The reasons why no articulation agreements have been established.

Education Code 130.307(c); 19 TAC 9.674(c), .675(a)

Limitations

A public junior college offering a baccalaureate degree program may not offer more than five baccalaureate degree programs at any time unless the institution previously participated in a pilot project to offer baccalaureate degrees notwithstanding if accredited as a single institution or as separate institutions within a college district. *Education Code 130.306(a); 19 TAC 9.673(c)*

Approval Process

This section applies to each program for which an institution, including a college district, has submitted a required planning notification on or after June 1, 2023. For a proposed program not required to submit a planning notification, these rules apply to a program submitted for notification or approval on or after September 1, 2023. *19 TAC 2.92*

Planning
Notification

A public junior college, other than a pilot institution, must submit a planning notification to Coordinating Board staff in accordance with 19 Administrative Code 2.41 [see EFB]. *19 TAC 2.84, .86(a)*

Approval Levels

A public junior college proposal for a new baccalaureate degree is subject to the following levels of approval:

1. If the baccalaureate degree will be the institution's first degree at that level, the new degree proposal will be subject to Coordinating Board approval under 19 Administrative Code 2.4 [see EFB].
2. If the baccalaureate degree is not the institution's first degree at that level, the new degree proposal will be subject to the following levels of approval:
 - a. If the proposed degree contains not greater than 50 percent new content, then the proposal will be subject to assistant commissioner approval under 19 Administrative Code 2.4.

- b. If the proposed degree contains greater than 50 percent new content, then the proposal will be subject to commissioner approval under 19 Administrative Code 2.4.

Notwithstanding the provisions above, a pilot institution submitting a proposal for a new baccalaureate degree is subject to assistant commissioner approval under 19 Administrative Code 2.4.

19 TAC 2.85

Request

A public junior college must request a new baccalaureate degree program using the form prescribed for public junior colleges available on the Coordinating Board's website.

The rules for administrative completeness set out in 19 Administrative Code Chapter 2, Subchapter A, [see EFB] apply to baccalaureate programs at public junior colleges. Each institution must submit all information and forms required by this section and applicable provisions of Subchapter A to be deemed administratively complete, including a nursing program meeting the requirements set out in Education Code 130.308 approval from the Board of Nursing.

Upon receiving a form requesting a new baccalaureate degree program from the institution, or a pilot institution applying to offer an engineering program, the assistant commissioner, commissioner, or Coordinating Board, depending on the required level of approval, shall act on the approval or denial according to the timelines specified in 19 Administrative Code Chapter 2, Subchapter A. If the Coordinating Board does not act to approve or deny the proposal within the specified time frames, the program is considered approved.

For a pilot institution, the assistant commissioner has sixty days from submission of the proposal request materials to complete the review and act to approve or disapprove the proposed program. The assistant commissioner shall approve the program if the baccalaureate degree program is administratively complete, approved by the governing board of the junior college district, and is not an engineering program.

A public junior college applying to offer a Bachelor of Science in nursing must provide a letter from the Board of Nursing demonstrating that the program meets the standards and criteria of the Board of Nursing with its application in order to be deemed administratively complete.

An institution must obtain the type of approval specified in 19 Administrative Code 2.85.

Upon approval, Coordinating Board staff will add the new degree program to the institution's official program inventory. The program inventory contains the list of degrees and certificates with official Coordinating Board approval.

19 TAC 2.86

Revisions Institutions may request non-substantive revisions to approved baccalaureate degree programs under 19 Administrative Code 2.9 [see EFB]. *19 TAC 2.90*

Criteria All proposed baccalaureate degree programs must meet the criteria set out in this provision, in addition to the general criteria in 19 Administrative Code 2.5 and 2.118 [see EFB]. *19 TAC 2.87(b)*

Semester Credit Hours If the minimum number of semester credit hours required to complete a proposed baccalaureate program exceeds 120, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 120-semester credit hour limit. Coordinating Board staff will review the documentation provided and decide to approve or deny a request to exceed the 120-semester credit hour limit. *19 TAC 2.88*

Articulation Agreement

Each public junior college that offers a baccalaureate degree program must enter into a teach-out agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program.

The Coordinating Board may require a general academic teaching institution or medical and dental unit that offers a comparable baccalaureate degree program to enter into an articulation agreement with the public junior college.

Each public junior college that offers a baccalaureate program must inform all students who enroll in the program covered by the articulation agreement about the opportunity to complete the degree at a general academic teaching institution or medical and dental unit.

Education Code 130.309; 19 TAC 9.675(c)–(e)

Funding

A baccalaureate degree program may be funded solely by a public junior college's proportionate share of state appropriations under Education Code 130.003, local funds, and private sources. This

provision does not require the legislature to appropriate state funds to support a baccalaureate degree program.

The Coordinating Board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under Education Chapter 130, Subchapter L, used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field unless the college participated in a pilot project to offer baccalaureate degree programs.

In its recommendations to the legislature relating to state funding for public junior colleges, the Coordinating Board shall recommend that a public junior college that participated in a pilot project to offer baccalaureate degree programs receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter as that provided to a general academic teaching institution for substantially similar courses.

Education Code 130.310(a); 19 TAC 9.677(a)–(d)

Tuition and Fees

A public junior college may not charge a student enrolled in a baccalaureate degree program tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field. This provision does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project to offer baccalaureate degree programs. *Education Code 130.310(c); 19 TAC 9.677(f)*

Report

Each public junior college offering a baccalaureate degree program shall conduct a review of each baccalaureate degree program offered and prepare a biennial report on the operation, quality, and effectiveness of the baccalaureate degree programs in a format specified by the Coordinating Board. A copy of the report shall be delivered to the Coordinating Board by January 1 of each odd-numbered year.

The commissioner may require any reporting necessary to determine whether the program remains in compliance with the terms of its program approval, statute, or Coordinating Board rules.

Education Code 130.011; 19 TAC 2.89, .183, 9.678

Program Phase-Out

An institution may request to phase out a baccalaureate program approved under Approval Process, above, in accordance with 19 Administrative Code, Chapter 2, Subchapter H, [see EFB] using

the Program Consolidation or Phase-Out Form on the Coordinating Board's website. *19 TAC 2.91*

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 LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed LOCAL Policy for Adoption:

Section: F STUDENTS

Policy: FFAC Wellness and Health Services: Communicable Diseases

Summary of LOCAL Policy: The policy outlines that KC must not discriminate against an individual with a communicable disease. Furthermore, KC must also protect the privacy of persons within the college community who have a communicable disease. Finally, the policy requires KC to provide and publish an education program about HIV infection.

Procedures:

- KC has an HIV education program and publishes its policy on HIV infection in the Student Handbook.
- The KC website has a link to an HIV educational video from Stanford University Medical School.
- The Kilgore College Catalog and Student Handbook contains extensive information on KC's approach to HIV infection.

WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASESFFAC
(LEGAL)**AIDS/HIV**

Policy

Each institution of higher education, including each college district, shall make available the institution's policy on HIV infection and AIDS to students by including the policy in the student handbook if practicable or by any other method. *Education Code 51.919(b)*

Educational
Pamphlet

Each institution of higher education shall make available to students, on request, the educational pamphlet on HIV infection developed by the Texas Department of State Health Services (DSHS) and shall include in the student handbook a statement that the pamphlet is available. *Education Code 51.919(c)*

Health Centers

The student health center of each institution of higher education shall provide clear, accurate information on how to prevent the transmission of HIV infection, including:

1. The value of abstinence and long-term mutual monogamy.
2. Information on the efficacy and use of condoms.
3. Offering of or referring students, faculty, or staff to anonymous HIV counseling and testing services.
4. State laws relating to the transmission of and to conduct that may result in transmission of HIV.

Education Code 51.919(d)

Bacterial Meningitis

The Coordinating Board shall prescribe procedures by which each institution of higher education, including each college district, shall provide information relating to bacterial meningitis to new students of the institution. The procedures must provide for the information to be provided in a brochure or other manner so that the information is reasonably likely to come to the attention of each student. The Coordinating Board shall prescribe the form and content of the information. The information must cover:

1. The symptoms of the disease, how it may be diagnosed, and its possible consequences if untreated;
2. How the disease is transmitted, how it may be prevented, and the relative risk of contracting the disease for students of institutions of higher education;
3. The availability and effectiveness of vaccination against and treatment for the disease, including how students of the institution may seek vaccination or treatment and whether a vaccination is available from the student health center, and a brief description of the risks and possible side effects of vaccination; and

4. Sources of additional information regarding the disease and must include the telephone numbers of the student health center, if there is a student health center, and the appropriate office of the DSHS.

An institution of higher education, with the written consent of the Coordinating Board, may provide the information required by this section to new students of the institution by a method different from the method prescribed by the Coordinating Board if the Coordinating Board determines that method would be effective in bringing the information to the attention of all new students of the institution.

Each institution of higher education shall make reasonable efforts to obtain from each new student of the institution a confirmation signed or acknowledged by the student that the student has received the information required to be provided to the student and shall retain the confirmation for not less than two years after the student first enrolls at the institution.

“New student” means a first-time student of an institution of higher education and includes a student who transfers to the institution from another institution.

Education Code 51.9191(a)(2), (b), (d)–(e)

Reports

The persons described in Health and Safety Code 81.042 shall report to the local health authority or the DSHS a suspected case of a reportable disease, as defined by state law and the Health and Human Services Commission (HHSC) executive commissioner, and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Health and Safety Code 81.042(a)–(d):

1. A professional registered nurse;
2. An administrator or director of a public or private temporary or permanent child-care facility;
3. An administrator or health official of a public or private institution of higher education;
4. A health professional; or
5. A peace officer.

Health and Safety Code 81.041-.042; 25 TAC 97.2(d)

In addition to the reporting requirements for communicable diseases found in 25 Administrative Code 97.1, individuals listed at 25 Administrative Code 97.132, including the following, shall report cases and suspected cases of sexually transmitted diseases

(STDs), which includes HIV-exposed infants, in the manner described in 25 Administrative Code 97.133:

1. A health professional, and any other person mandated to report under Health and Safety Code 81.042; and
2. Any person in charge of a clinical laboratory, hospital laboratory, blood bank, mobile unit, or other facility (such as a contract research organization laboratory) in which a laboratory examination of a blood specimen, or any specimen derived from a human body, yields microscopic, cultural, serological, or any other evidence of a suspected STD.

The Health Insurance Portability and Accountability Act (HIPAA) allows covered entities to disclose otherwise protected health information, without either obtaining the written authorization of the individual whose information is at issue or giving that individual the opportunity to agree or object, for purposes of public health communicable disease reporting requirements [see 45 C.F.R. 164.512(a)–(b)].

25 TAC 97.132

If there is no local health authority appointed for the jurisdiction where the school is located, the report shall be made to the DSHS regional director. Public health emergencies shall be reported to DSHS's central office if the local health authority or DSHS's regional director is not immediately accessible. *25 TAC 97.5(a)*

Note: For a list of reportable diseases, visit DSHS [Infectious Disease Control Unit Notifiable Conditions](#)¹ website.

¹ Infectious Disease Control Unit Notifiable Conditions:
<http://www.dshs.state.tx.us/idcu/investigation/conditions/>

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GA Access to Programs, Services, and Activities

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and this LEGAL policy addresses nondiscrimination based on the following:

- Religious Freedom
- Sex
- Race, Color, or National Origin
- Disability (ADA)
- Lack of Social Security Number
- Right to Express Breast Milk
- Handgun License as Proof of Identification

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GA
(LEGAL)**Nondiscrimination
Generally**

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

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

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

Civ. Prac. & Rem. Code 106.001(a)

Religious Freedom

Free Exercise

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

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

Sincerely Held
Religious Belief

A religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief. *Family Code 2.601*

A refusal to provide services, accommodations, facilities, goods, or privileges under Family Code 2.601 is not the basis for a civil or

criminal cause of action or any other action by this state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual. *Family Code 2.602*

Association with a Religious Organization

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002*

Definitions

Adverse Action

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1)

Person

"Person" has the meaning assigned by Government Code 311.005, except the term does not include:

1. An employee of a governmental entity acting within the employee's scope of employment;
2. A contractor of a governmental entity acting within the scope of the contract; or
3. An individual or a medical or residential custodial health-care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

Gov't Code 2400.001(4)

Religious Organization	“Religious organization” means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b). <i>Gov’t Code 2400.001(5)</i>
<i>Exception for Prohibited Contracts or Investments</i>	This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapter 808 or 2271. [See CF] <i>Gov’t Code 2400.0015</i>
Access for Religious Organizations During Disasters	A governmental entity, including a college district, may not: <ol style="list-style-type: none">1. At any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities. <i>Gov’t Code 2401.002(b)</i>
<i>Definitions</i>	
Disaster	“Disaster” has the meaning assigned by Government Code 418.004. <i>Gov’t Code 2401.001(1)</i>
Religious Organization	“Religious organization” means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b). <i>Gov’t Code 2401.001(4)</i>
Person	“Person” has the meaning assigned by Government Code 311.005, except the term does not include: <ol style="list-style-type: none">1. An employee of a governmental entity acting within the employee's scope of employment; or2. A contractor of a governmental entity acting within the scope of the contract. <i>Gov’t Code 2401.001(3)</i>
Discrimination on the Basis of Sex	No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. [See also DAA and FA] <i>20 U.S.C. 1681; 34 C.F.R. 106.31</i>
Discrimination on the Basis of Race, Color, or National Origin	No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. [See also DAA and FA] <i>42 U.S.C. 2000d</i>

**Discrimination on
the Basis of
Disability—Federal
Prohibition**

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

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

Disability

“Disability” means, with respect to an individual:

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

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

The term “disability” does not include:

1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
2. Compulsive gambling, kleptomania, or pyromania; or
3. Psychoactive substance use disorders resulting from current illegal use of drugs.

42 U.S.C. 12102(1), (4)(C)–(D); 28 C.F.R. 35.108(a), (d), (g)

*Regarded as
Having Such an
Impairment*

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 28 C.F.R. 35.108(f)*

Transitory and Minor	Item 3 in the definition of “Disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. <i>42 U.S.C. 12102(3)(B); 28 C.F.R. 35.108(d)(1)(ix), (f)(2)</i>
<i>Mitigating Measures</i>	<p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy.</p> <p>The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.</p> <p>“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.</p> <p>“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.</p> <p><i>42 U.S.C. 12102(4)(E); 28 C.F.R. 35.108(d)(1)(viii), (4)</i></p>
<i>Major Life Activities</i>	<p>“Major life activities” include, but are not limited to:</p> <ol style="list-style-type: none"><li data-bbox="561 1266 1430 1434">1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and<li data-bbox="561 1457 1430 1730">2. The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. <p>In determining whether an impairment substantially limits a major life activity, the term “major” shall not be interpreted strictly to cre-</p>

ate a demanding standard. Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

42 U.S.C. 12102(2); 28 C.F.R. 35.108(c), (d)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Physical or mental impairment does not include homosexuality or bisexuality.

28 C.F.R. 35.108(b)

*Qualified Individual
with a Disability*

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

*Individual with a
Disability*

“Individual with a disability” means a person who has a disability. The term “individual with a disability” does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use. *28 C.F.R. 35.104*

*Reasonable
Modification*

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to

avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of “disability” at 28 C.F.R. 35.108(a)(1)(iii).

28 C.F.R. 35.130(b)(7)

Communications

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. *28 C.F.R. 35.160*

*Auxiliary Aids
and Services*

“Auxiliary aids and services” include:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information

technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;

3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

28 C.F.R. 35.104

*Limits of
Required
Modification*

Title 28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Direct Threat

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

28 C.F.R. 35.104

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Notice

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Part 35 and its applicability to the services, programs,

or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the ADA and Part 35. *28 C.F.R. 35.106*

Compliance
Coordinator

A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Part 35, including any investigation of any complaint communicated to it alleging its noncompliance with Part 35 or alleging any actions that would be prohibited under Part 35. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated. *28 C.F.R. 35.107(a)*

Complaint
Procedures
ADA

A public entity that employs 50 or more persons shall adopt and publish grievance procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Part 35. [See GB] *28 C.F.R. 35.107(b)*

Section 504

A recipient of federal financial assistance that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations). Such procedures need not be established with respect to complaints from applicants for employment. [See GB] *34 C.F.R. 104.7(b), .11*

**Discrimination on
the Basis of
Disability—State
Prohibition**

No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance.

*Non-
Discrimination*

The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

Human Resources Code 121.003(c)–(d)

<i>Regulations</i>	<p>Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class. <i>Human Resources Code 121.003(e)</i></p> <hr/> <p>Note: For information regarding access by service or assistance animals and miniature horses to public facilities, see FAA(LEGAL).</p> <hr/>
Retaliation	<p>No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. <i>34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)</i></p>
Social Security Numbers	<p>It shall be unlawful for any local government agency, including a college district, to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security account number. <i>5 U.S.C. 552a Note; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974)</i></p>
Exceptions	<p>The above provision does not apply with respect to:</p> <ol style="list-style-type: none">1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;2. The disclosure of a social security number to any federal, state, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a college district's jurisdiction. <p><i>5 U.S.C. 552a Note; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974); 26 C.F.R. 301.6109-1(a)(1)</i></p>
Statement of Uses	<p>A college district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory</p>

or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552a Note; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974)

**Right to Express
Breast Milk**

A mother is entitled to breast-feed her baby or express breast milk in any location in which the mother's presence is otherwise authorized. *Health and Safety Code 165.002*

**Handgun License as
Proof of
Identification**

A person may not deny the holder of a concealed handgun license issued under Government Code Chapter 411, Subchapter H access to goods, services, or facilities, except as provided by Transportation Code 521.460 (regarding motor vehicle rentals) or in regard to the operation of a motor vehicle, because the holder has or presents a concealed handgun license rather than a driver's license or other acceptable form of personal identification.

This section does not affect the requirement under Government Code 411.205 that a person present a driver's license or identification certificate in addition to a concealed handgun license.

Business and Commerce Code 507.001

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GCC Public Information Program – Annual Security Report

Summary of *LEGAL* Policy:

NOTE: GCC 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. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Kilgore College Police Department collects information with respect to campus crime statistics and campus security policies and prepares, publishes, and distributes, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the information with respect to the campus security policies and campus crime statistics of KC. This Annual Security Report is submitted through the required template in October of each year. In addition, the Annual Security Report is presented to the Board of Trustees on an annual basis and posted on the KC website.

Note: For institutional reports required to be distributed to students and employees, see AFA.

Clery Act Reporting

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

Definitions

Campus

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

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

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

Campus Security Authority

A “campus security authority” means:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under this definition, such as an individual who is responsible for monitoring entrance into institutional property.

3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined by 34 C.F.R. 668.46(a), the official is not considered a campus security authority when acting as a pastoral or professional counselor.

34 C.F.R. 668.46(a)

Clery Geography

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

1. Buildings and property that are part of the institution's campus;
2. The institution's noncampus buildings and property; and
3. Public property within or immediately adjacent to and accessible from the campus.

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

34 C.F.R. 668.46(a)

Hate Crime

The term "hate crime" means a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of the Clery Act, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. *34 C.F.R. 668.46(a)*

*Noncampus
Building or
Property*

The term "noncampus building or property" means any building or property owned or controlled by a student organization recognized by the institution and any building or property, other than a branch campus, owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's ed-

educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution. *20 U.S.C. 1092(f)(6)(A)(ii); 34 C.F.R. 668.46(a)*

Public Property

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

Annual Security
Report

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

1. The crime statistics described in 34 C.F.R. 668.46(c) [see Reported Crimes, below].
2. A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution’s policies concerning its response to these reports, including:
 - a. Policies for making timely warning reports to members of the campus community, as required by 34 C.F.R. 668.46(e) [see Emergency Notification, below], regarding the occurrence of crimes described in 34 C.F.R. 668.46(c)(1) [see Reported Crimes, below];
 - b. Policies for preparing the annual disclosure of crime statistics;
 - c. A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in 34 C.F.R. 668.46(c)(1) [see Reported Crimes, below] for the purposes of making timely warning reports and the annual statistical disclosure; and
 - d. Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
3. A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
4. A statement of policies concerning campus law enforcement that:
 - a. Addresses the law enforcement authority and jurisdiction of security personnel;

- b. Addresses the working relationship of campus security personnel with state and local police agencies, including:
 - (1) Whether those security personnel have the authority to make arrests; and
 - (2) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.
 - c. Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and
 - d. Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
 6. A description of programs designed to inform students and employees about the prevention of crimes.
 7. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.
 8. A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.
 9. A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.
 10. A description of any drug or alcohol-abuse education programs, as required under Section 120(a)–(d) of the Higher Education Act of 1965 (HEA), otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose

of meeting this requirement, the institution may cross-reference the materials the institution uses to comply with Section 120(a)–(d) of the HEA.

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

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

*Distribution of
Report*

Students and
Employees

By October 1 of each year, an institution must distribute to all enrolled students and current employees its annual security report through appropriate publications and mailings, including:

1. Direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail;
2. A publication or publications provided directly to each individual; or
3. Posting on an internet website or an intranet website, subject to 34 C.F.R. 668.41(e)(2)–(3).

34 C.F.R. 668.41(e)(1)

If an institution chooses to distribute either its annual security report to enrolled students by posting the disclosure or disclosures on an internet website or an intranet website, the institution must comply with the requirements of 34 C.F.R. 668.41(c)(2) [see AFA].

If an institution chooses to distribute either its annual security report to current employees by posting the disclosure or disclosures on an internet website or an intranet website, the institution must, by October 1 of each year, distribute to all current employees a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request.

34 C.F.R. 668.41(e)(2)–(3)

Prospective
Students and
Employees

The institution must provide a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy. An institution must provide its annual security report, upon request, to a prospective student or prospective employee. If the institution chooses to provide either its annual security report

by posting the disclosure on an internet website, the notice described in this paragraph must include the exact electronic address at which the report is posted, a brief description of the report, and a statement that the institution will provide a paper copy of the report upon request. *34 C.F.R. 668.41(e)(4)*

*Concurrent
Publication with
Fire Safety
Report*

An institution may publish its annual security report concurrently with its annual fire safety report [see FG] only if the title of the report clearly states that the report contains both the annual security report and the annual fire safety report. If an institution chooses to publish the annual security report separately from the annual fire safety report, it must include information in each of the two reports about how to directly access the other report. *34 C.F.R. 668.41(e)(6)*

*Campus Sexual
Assault Programs*

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

*Emergency
Response and
Evacuation
Procedures*

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

1. The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;
2. A description of the process the institution will use to:
 - a. Confirm that there is a significant emergency or dangerous situation as described in item 1;
 - b. Determine the appropriate segment or segments of the campus community to receive a notification;
 - c. Determine the content of the notification; and
 - d. Initiate the notification system;
3. A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim

or to contain, respond to, or otherwise mitigate the emergency;

4. A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in item 2;
5. The institution's procedures for disseminating emergency information to the larger community; and
6. The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including:
 - a. Tests that may be announced or unannounced;
 - b. Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
 - c. Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

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

*Missing Student
Notification
Policies and
Procedures*

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

Reported Crimes

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

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

- (3) Incest; and
 - (4) Statutory rape.
 - c. Robbery.
 - d. Aggravated assault.
 - e. Burglary.
 - f. Motor vehicle theft.
 - g. Arson.
- 2. Arrests and referrals for disciplinary actions, including:
 - a. Arrests for liquor law violations, drug law violations, and illegal weapons possession.
 - b. Persons not included in item 2a who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.
- 3. Hate crimes, including:
 - a. The number of each type of crime in item 1 that are determined to be hate crimes; and
 - b. The number of the following crimes that are determined to be hate crimes:
 - (1) Larceny-theft.
 - (2) Simple assault.
 - (3) Intimidation.
 - (4) Destruction/damage/vandalism of property.
- 4. Dating violence, domestic violence, and stalking.

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

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

Hate Crimes

For each hate crime recorded under item 3, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability. *34 C.F.R. 668.46(c)(4)*

<i>Information Supplied by a Local or State Police Agency</i>	In complying with the statistical reporting requirements under 34 C.F.R. 668.46(c)(1), an institution must make a reasonable, good faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or state police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or state police agency to supply the required statistics. 34 C.F.R. 668.46(c)(11)
<i>Submission</i>	Each year, by the date and in a form specified by the U.S. Secretary of Education, an institution must submit the statistics to the U.S. Secretary of Education. 34 C.F.R. 668.41(e)(5)
Recording Crimes	<p>An institution must include in its crime statistics all crimes listed in paragraph (c)(1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in Section 40002(a)(20) of the Violence Against Women Act of 1994, 42 U.S.C. 13925(a)(20).</p> <p>An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority. When recording crimes of stalking by calendar year, an institution must follow the requirements in 34 C.F.R. 668.46(c)(6).</p> <p>34 C.F.R. 668.46(c)(2)(i), (3)</p>
<i>Geographic Breakdown</i>	<p>An institution must specify whether each of the crimes recorded under 34 C.F.R. 668.46(c)(1) [see Reported Crimes, above] occurred:</p> <ol style="list-style-type: none">1. On campus;2. In or on a noncampus building or property; or3. On public property. <p>An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus. When recording stalking by location, an institution must follow the requirements in 34 C.F.R. 668.46(c)(6).</p> <p>20 U.S.C. 1092(f)(12); 34 C.F.R. 668.46(c)(5)</p>
<i>Identity of Victim or Accused</i>	The required statistics do not include the identification of the victim or the person accused of committing the crime. 20 U.S.C. 1092(f)(7); 34 C.F.R. 668.46(c)(7)

*Reports to
Pastoral or
Professional
Counselors*

An institution is not required to report statistics under 34 C.F.R. 668.46(c) for crimes reported to a pastoral or professional counselor. *20 U.S.C. 1092(f)(10); 34 C.F.R. 668.46(c)(8)*

Maps

In complying with the statistical reporting requirements, the institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas. *34 C.F.R. 668.46(c)(10)*

*Withholding or
Removing
Reported Crimes*

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

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

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

34 C.F.R. 668.46(c)(2)(ii)–(iii)

Crime Log

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

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

The institution must make an entry or an addition to an entry to the log within two business days of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

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

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

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

Emergency
Notification

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

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

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

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

34 C.F.R. 668.46(e)

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GGB Relations with Governmental Agencies and Authorities – Interlocal
Cooperation Contracts

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy.

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES
INTERLOCAL COOPERATION CONTRACTSGGB
(LEGAL)**Interlocal
Cooperation
Contracts**

A local government, including a college district, may contract or agree with another local government, or a federally recognized Indian tribe, as listed by the U. S. Secretary of the Interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A party to an interlocal contract may contract with a state agency, as defined by Government Code 771.002, or similar agency of another state.

An interlocal contract may be to:

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

An interlocal contract must:

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

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

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

[See CF for interlocal purchasing contracts]

Gov't Code 791.011, .035(a)

**Health Care and
Hospital Services**

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

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:

August 3, 2023

Kilgore College Board of Trustees Meeting Date:

August 14, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GGE Relations with Governmental Agencies and Authorities - Emergency Management

Summary of *LEGAL* Policy:

NOTE: GGE 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.

KCPD would provide emergency assistance according to the provisions in the LEGAL policy if needed. KCPD gives and receive mutual aid as needed and has good working relationships with local law enforcement agencies.

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES
EMERGENCY MANAGEMENTGGE
(LEGAL)**Emergency Assistance**

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

1. In the opinion of the presiding officer of the governing body of the local government desiring emergency assistance, a state of civil emergency exists in the local government that requires assistance from another local government and the presiding officer requests assistance; and
2. Before the emergency assistance is provided, the governing body of the local government that is to provide the assistance authorizes that local government to provide the assistance by resolution or other official action.

Gov't Code 791.027(a)

Mutual Aid

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

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

Definitions

"Local Government Entity"

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

"Mutual Aid"

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

"Organized Volunteer Group"

"Organized volunteer group" means an organization such as the American National Red Cross, the Salvation Army, the Civil Air Patrol, the Radio Amateur Civil Emergency Services, a volunteer fire department, a volunteer rescue squad, or other similar organization recognized by federal or state statute, regulation, or memorandum. *Gov't Code 418.004(5)*

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES
EMERGENCY MANAGEMENT

GGE
(LEGAL)

Requests for
Assistance

A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing. *Gov't Code 418.115(a)*

Ability to Render
Assistance

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

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

Gov't Code 418.1151

Supervision and
Control

When providing mutual aid assistance under the system:

1. The response effort must be organized and function in accordance with the National Incident Management System guidelines;
2. The personnel, equipment, and resources of a responding local government entity being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;
3. Direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the responding local government entity;
4. The designated supervisory personnel of the responding local government entity shall:
 - a. Maintain daily personnel time records, material records, and a log of equipment hours;
 - b. Be responsible for the operation and maintenance of the equipment and other resources furnished by the responding local government entity; and
 - c. Report work progress to the requesting local government entity; and
5. The responding local government entity's personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

Gov't Code 418.1152

- Duration of Aid The provision of mutual aid assistance under the system may continue until:
1. The services of the responding local government entity are no longer required; or
 2. The responding local government entity determines that further assistance should not be provided.

Gov't Code 418.1153

Employee Rights and Privileges

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

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

Gov't Code 418.116

Reimbursement of Costs
*By the Division of
Emergency
Management*

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

*By a Requesting
Local
Government
Entity*

If a local government entity requests mutual aid assistance from another local government entity under the system that requires a response that exceeds 12 consecutive hours, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the responding local government entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement's terms of reimbursement, as provided by Government Code 418.111.

The requesting local government entity shall pay the reimbursement from available funds. If federal money is available to pay costs associated with the provision of mutual aid assistance, the requesting local government entity shall make the claim for the eligible costs of the responding local government entity on the requesting entity's subgrant application and shall disburse the federal share of the money to the responding local government entity, with sufficient local funds to cover the actual costs of the responding local government entity in providing assistance.

Gov't Code 418.1181

[See CGC for emergency management within the college district]