

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 September 11, 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
Janice Bagley
Kelvin Darden
Gina DeHoyos
Jon Keller
Travis Martin

Absent: Josh Edmonson and David Castles

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. PRESENTATIONS

A. Employee Spotlight: *Kudos Award Winners*

- Brazy Sammons
- Jessica Copeland
- Terence Mathis
- Terry Huckaby
- Terry Hanson
- Kara Sharman
- Nursing faculty, staff, administrators

B. Student Success Data Spotlight: 2021-2024 Strategic Plan Progress – *Appendix A*

Presenter: Dr. Richard Plott, Dean of Institutional Effectiveness and Research

1. PUBLIC COMMENTS

- Dawn Gratton thanked Trustees who reached out to her, appreciated the steps that have been taken to establish more communication between the KC Board and the community. She looks forward to further dialogue about Kilgore College.

2. CONSENT AGENDA

Presenter: Mr. Lon Ford

- A. To consider approving the minutes from the following meetings:
 - Board Meeting: August 14, 2023
 - Special Board Meeting: August 29, 2023
- B. To consider approval of personnel items submitted as follows: *Appendix B*
 - Employee Resignations
 - Employee Retirements
 - Employee Terminations
 - Proposed Change of Employment
 - Offers of Employment
- C. To consider payment of legal fees for August 2023

Jon Rowe made the motion to accept the Consent Agenda. Travis Martin seconded the motion. The motion passed unanimously.

3. BOARD COMMITTEE REPORTS & ACTION ITEMS

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

1. ACTION ITEM: To consider that the property tax rate be increased by the adoption of a tax rate of \$0.17500, which is effectively a 17 percent increase in the tax rate. - *Appendix C*

Presenter: Mr. Terry Hanson

Jon Rowe moved that the property tax rate be increased by the adoption of a tax rate of \$0.1750, which is effectively a 17 percent increase in the tax rate as part of Resolution R-2024-1. This motion came from committee and did not require a second. The motion passed unanimously.

2. ACTION ITEM: To consider approval of tax abatements for Prospect 2414 contingent upon the City of Kilgore approving the abatement at their September 26, 2023 meeting and giving the college president the authority to sign upon the city's approval. - *Appendix D*

Presenter: Lisa Denton, Executive Director Kilgore Economic Development Corporation

Jon Rowe moved for approval of tax abatements for Tersco Property Management/ Keeprite Refrigeration, Inc. contingent upon the City of Kilgore approving the abatement at their September 26, 2023 meeting and give the college president the authority to sign upon the city's approval. This motion did not come from committee and did require a second. Jon Keller seconded and the motion passed unanimously.

B. Policy & Personnel Committee – Janice Bagley, Committee Member

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

Presenter: Ms. Janice Bagley

- a. CDDA (LEGAL, ADMINISTRATIVE RULE) - Payroll Procedures - Salary Deductions – *Appendix E*
- b. CDE (LOCAL, ADMINISTRATIVE RULE) - Financial Ethics – *Appendix F*
- c. CF (LEGAL, LOCAL) - Purchasing and Acquisition – *Appendix G*

- d. CKD (LEGAL, LOCAL) - Insurance and Annuities Management - Health and Life Insurance – *Appendix H*
- e. CKF (LEGAL, LOCAL) - Insurance & Annuities Management - Unemployment Insurance – *Appendix I*
- f. DGBA (LEGAL, LOCAL) - Personnel Management Relations - Employee Grievances – *Appendix J*
- g. DM (LEGAL, LOCAL) - Termination of Employment – *Appendix K*
- h. DMAA (LEGAL, LOCAL) - Term Contracts - Termination Mid-Contract – *Appendix L*
- i. DMAB (LEGAL, LOCAL) - Term Contracts – Nonrenewal – *Appendix M*
- j. EFCD (LEGAL, LOCAL) - High School Equivalency Testing Centers – *Appendix N*
- k. FFE (LOCAL) - Freedom from Bullying – *Appendix O*
- l. FLD (LEGAL, LOCAL) - Student Rights and Responsibilities - Student Complaints – *Appendix P*
- m. FM (LEGAL, LOCAL) - Discipline and Penalties– *Appendix Q*

Janice Bagley moved to approve these TASB 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: Ms. Janice Bagley

- a. AFA (LEGAL) - Institutional Effectiveness - Performance and Institution Reports – *Appendix R*
- b. CAAB (LEGAL) - State and Federal Revenue Sources – Federal – *Appendix S*
- c. CGE (LEGAL) - Safety Program - Medical Treatment – *Appendix T*
- d. CKE (LEGAL) - Insurance & Annuities Management - Workers' Compensation – *Appendix U*
- e. DCA (LEGAL, ADMINISTRATIVE RULE) - Employment Practices - Term Contracts – *Appendix V*
- f. EG (LEGAL) - Academic Achievement – *Appendix W*
- g. EI (LEGAL) - Testing Programs – *Appendix X*
- h. FLBC (LEGAL) - Student Conduct - Prohibited Organizations & Hazing – *Appendix Y*

C. Property & Facilities Committee - Travis Martin, Chair

1. ACTION ITEM: To consider approval to (1) allow the College President to enter into contract negotiations for construction of the CDL Drive Track (IFB2022CDLTrack02) and the design-build construction of the classroom, warehousing, and awning structures (RFQ-2022CDLBuild03) between Kilgore College and RLM General Contractors for the Kilgore College Transportation Institute, (2) delegate to the College President the authority to negotiate and finalize any remaining terms related to these projects, (3) authorize the College President to consolidate both projects into one contract, and (4) authorize the College President to sign the contract and any other necessary paperwork related to the same projects. – *Appendix Z*

Presenter: Dr. Mike Jenkins

Travis Martin moved to consider approval to (1) allow the College President to enter into contract negotiations for construction of the CDL Drive Track (IFB2022CDLTrack02) and the design-build construction of the classroom, warehousing, and awning structures (RFQ-2022CDLBuild03) between Kilgore College and RLM General Contractors for the Kilgore College Transportation Institute, (2) delegate to the College President the authority to negotiate and finalize any remaining terms related to these projects, (3) authorize the College President to consolidate both projects into one contract, and (4) authorize the College President to sign the contract and any other necessary paperwork related to the same projects. The motion did not come from Committee and therefore required a second. Motion was seconded by Gina DeHoyos and passed unanimously.

4. EXECUTIVE SESSION

The Board of Trustees did not go into Executive Session.

5. ADJOURNMENT

The meeting was adjourned by Mr. Lon Ford at 7:28 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.

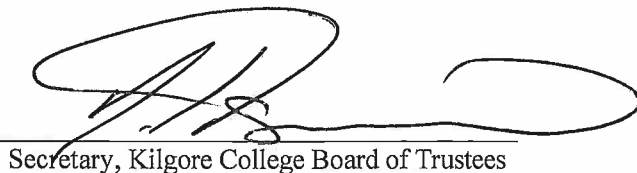
Respectfully submitted,



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	Policy CDDA (LEGAL, ADMINISTRATIVE RULE) - Payroll Procedures - Salary Deductions
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Appendix Q	Policy FM (LEGAL, LOCAL) - Discipline and Penalties
Appendix R	Policy AFA (LEGAL) - Institutional Effectiveness - Performance and Institution Reports
Appendix S	Policy CAAB (LEGAL) - State and Federal Revenue Sources - Federal
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Appendix U Policy CKE (LEGAL) - Insurance & Annuities Management - Workers' Compensation

Appendix V Policy DCA (LEGAL, ADMINISTRATIVE RULE) - Employment Practices - Term Contracts

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Appendix X Policy EI (LEGAL) - Testing Programs

Appendix Y Policy FLBC (LEGAL) - Student Conduct - Prohibited Organizations & Hazing

Appendix Z Contractor Analysis & Recommendation for KC Transportation Institute CDL Drive Track (IFB2022CDLTrack02) and the design-build construction of the classroom, warehousing, and awning structures (RFQ-2022CDLBuild03) between Kilgore College and RLM General Contractors.

2021-2024 Strategic Plan

Year Two updates



Outcomes Scorecard

	Jan 2022	Aug 2022	Jan 2023	Aug 2023	Aug 2024
Total Outcomes by Achievement Date	12	24	2	13	9 *
Complete	100% (12)	98% (23.5)	100% (2)	82% (12)	-
In Progress	-	-	-	8% (1) **	100% (9)
Paused	-	0.5 (2%)	-	-	-

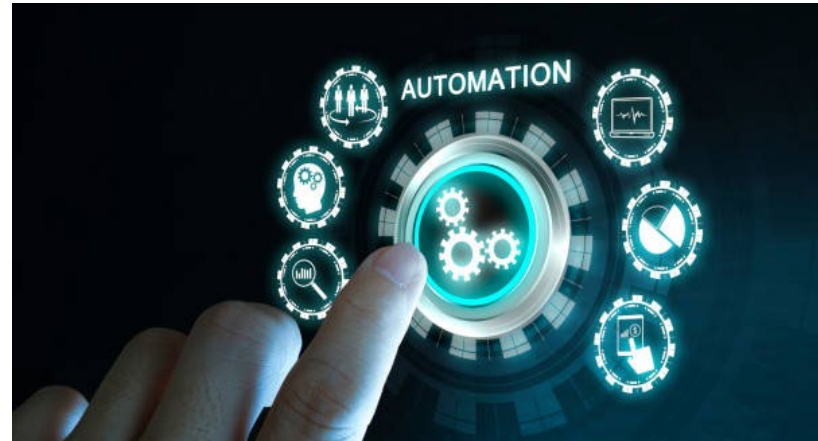
* Outcome 4D.4 has been removed from the August 2024 deliverables due to the Senate Bill 17 enactment by the State of Texas. This reduces the Strategic Plan Outcomes from 61 to 60.

** Texas Association of School Boards (TASB) policies are scheduled to be fully implemented by December 2023.

Improve and Expand Student Access

“Enhanced Customer Service Through Automation”

- ▶ New payment process
 - ▶ Payments online
 - ▶ Customizable Payment Plans
 - ▶ Automated billing and invoice notifications
- ▶ Back office improvements
 - ▶ Automatic processing for discounts
 - ▶ Reducing time spent on the drop process
 - ▶ Cahier phone prompts for peak times to help with questions
- ▶ Purchase of Regent Scholarship Software
 - ▶ Automation for awarding scholarships is scheduled for implementation in December 2023 for the Spring 2024 Semester.



Improve and Escalate Student Success

“Course Options”

Fully Online Degree(s)



Improving Course Options

- ▶ Moving Rad Tech to 8-Week semesters
- ▶ Expanded Summer course offerings
- ▶ Implementing an August Mini-Mester
- ▶ Expanded Dual Credit

Improve and Escalate Student Success

“Focusing on High Demand”

Surgical Technology



Advanced Manufacturing

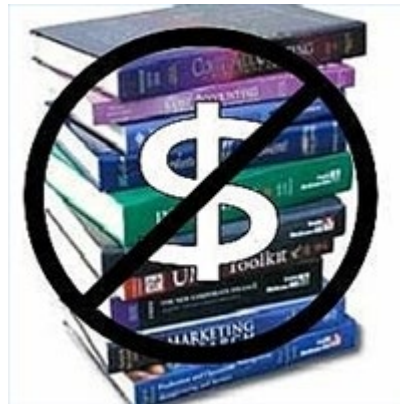


- Surg Tech has been added as an in-demand program starting Fall 2022.
- Advanced Manufacturing has been added as a program and approved by SACSCOC to begin August 2023.
- Commercial Driver’s License (CDL) Transportation Institute

Improve and Escalate Student Success

“Low to No Cost Textbooks & Long Term Planning”

- ▶ Courses in the class schedule will be designated as “low cost or no cost” textbook and materials (low cost meaning **under \$50.00**)
- ▶ Conversion to a full 1-year schedule will be in place for academic year 24-25 (beginning fall 2024).
- ▶ Students will be able to enroll in a full, year-long schedule at one time.



Expand into New and/or Strengthen Existing Markets, Programs, Partnerships

“Expanding Continuing Education”

- CE mirrored courses were added to both industrial maintenance and instrumental and electrical courses.
- CE certificate was built for AAON Coil. This is a certification used to upskill foreman and leaders from within the company.
- CE online offering of Certified Nursing Assistant.
- CE Sterile Processing program is currently full with 12 students and has a wait list for the spring.
- CE Medical Coding and Billing
- Substance Abuse Counseling program is holding an annual (2 years plus now) conference in the spring that counts for CEU's.



Expand into New and/or Strengthen Existing Markets, Programs, Partnerships

“Recognized as a Developing Hispanic-Serving Institution”

- Bilingual employees in multiple Student Services departments
- Bilingual employees participating in events at high schools
- Signage and other materials printed in Spanish
- Promotion of TASFA financial aid availability at financial aid events at high schools



Expand into New and/or Strengthen Existing Markets, Programs, Partnerships

“Nursing Baccalaureate Program”

The program is considered as a “high demand” by the Texas Legislature. Due to a high need of the program, this may allow us to bypass the \$6 Billion Dollar tax base requirement for offering a Baccalaureate program. We expect to receive additional information on this during the 89th Texas Legislature in 2025 and will be advocating to that point.



Curriculum for the program has been written and is ready for instruction.

Kilgore College Nursing faculty are pursuing their PhD for the necessary credentials for program requirements.

Expand into New and/or Strengthen Existing Markets, Programs, Partnerships

“Credentials of Value”

Texas Workforce Commission and National Student Clearinghouse data were combined to create a benchmark Return on Investment (ROI) for students. Current data show that the average annual wage for all Degree/Certificate completers is **\$44,000.00** with those earning an Associate of Applied Science earning an annual average of **\$60,000.00**.



Enhance Existing and Develop New Organizational Assets

“President’s Leadership Academy”

The Leadership Academy cohort and training schedule has been established. Members will begin the program in the 2023-2024 Academic Year.

- September 22nd
- October 6th
- November 10th
- December 8th
- January 12th
- February 9th
- March 8th
- April 19th
- May 17th

The cohort will return in December for Dinner with the Board of Trustees.



Enhance Existing and Develop New Organizational Assets

“Auxiliary Enterprises”

- ▶ Campus Store is acclimating to more OER & Digital Books/Materials and shifting to more retail.
- ▶ Fitness Center establishing a corporate membership plan and robust live class schedules.
- ▶ RangerPRINT is still implementing the workflow program and has opened operations to peer entities and the public.
- ▶ Reopening of Stark Hall



Looking Ahead

The “Final 9” are In-Progress



The remaining 9 outcomes are in-progress and targeted for completion on or before August 31, 2024.



Any Questions?

Thank You!



KILGORE COLLEGE

STRATEGIC PLAN

2021-2024

Year "2" Report

Office for Institutional Effectiveness & Research



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Introduction

The Kilgore College Strategic Plan was adopted for implementation throughout the Academic Years ranging from 2021-2024. The plan was implemented in September 2021 with five (5) deliveries for Outcomes with due dates set for:

1. January 2022
2. August 2022
3. January 2023
4. August 2023
5. August 2024

Overview

In Table 1A, progress to date is shown as for all outcomes in the five due dates of the plan.

Table 1A

	Jan 2022	Aug 2022	Jan 2023	Aug 2023	Aug 2024
Total Outcomes by Achievement Date	12	24	2	13	9 *
Complete	100% (12)	98% (23.5)	100% (2)	82% (12)	-
In Progress	-	-	-	8% (1) **	100% (9)
Paused	-	0.5 (2%)	-	-	-

* Outcome 4D.4 has been removed from the August 2024 deliverables due to the Senate Bill 17 enactment by the State of Texas. This reduces the Strategic Plan Outcomes from 61 to 60.

** Texas Association of School Boards (TASB) policies are scheduled to be fully implemented by December 2023.

Year “1”

Carry Over

At the time of the initial Year “1” report (September 2022), there were two outcomes “moved forward” as in-progress or pending progress. The status for these outcomes is:

- Outcome 3A.1: By August 2023, integrate Adult Education and Literacy (AEL) students into the campus community by providing college email addresses, IDs, and access to activities. *Due date adjusted to August 2024.*
 - Information Technology (IT) is working on removing certain fields in J1 for AEL students that will allow for ID and email access. Dr. Stowe and Charmyn Tumey are working together to complete this process for AEL students. Anticipate a workflow in place by end of August 2024 or sooner.

- Outcome 3A.2: By August 2022, develop a suite of course offerings designed to fit the needs of working adults and processes for evaluation of prior learning experiences to facilitate timely completion of a degree (**Complete**).
 - We have paused work on the Prior Learning Experience aspect of this outcome pending the outcome for Statewide Shared Services. There may be possible funding from the state and we do not want to duplicate or mirror services provided by the state.
 - A suite of courses for working adults is under development and making progress as demonstrated by the launch of the Manufacturing Technologies Program.

Year “2”

January 2023 Deliverables

- Outcome 1C.3: By January 2023, provide additional automated services within the Business Office (Complete).
 - KC has contracted with Transact Payments to replace the current payment processor. This new vendor will improve student payment options and offer greater flexibility, allowing for partial payments online, customizable payment plans, automated billing and invoice notifications. This has been fast tracked and should be available for students for the Spring semester.
 - In addition, the Business Office has implemented electronic invoicing and payment processing. This initiative will be expanded to more and more activities to eventually include automatic billing and reminders for third party billing. The Business Office has also improved the back-office processes of automatic processing for discounts; reducing the time spent on the drop process; daily receipting process improvements saving 2-3 hours a day; and Cashier Office phone prompts for peak times to answer simple questions and routing to key contacts – typically during final registration.

- Outcome 2E.1: By January 2023, establish help desk to facilitate responsiveness to student tech support needs (Complete).
 - The helpdesk moved from the Student Support building tutoring lab to the Woodfin Technology building at the end of the Title III grant. The helpdesk is now staffed with one full time person and 2-3 student workers. These team members work phone calls, walk-ins, and online tickets from Black Belt Help (BBH). BBH is our current afterhours and holiday helpdesk.

August 2023 Deliverables

- Outcome 1C.2: By August 2023, improve financial aid services by implementing an unmet needs assessment process and proactively marketing the award of undistributed scholarship dollars (**Complete**).
 - Purchased Regent Scholarship software that will automate the awarding of scholarships and ensure the highest level of distribution of scholarship dollars. The software is scheduled for implementation in December 2023.
- Outcome 2A.1: By August 2023, enhance student success through more affordable and accessible course resources (**Complete**).
 - KC has an AA degree fully online and most of an AS degree fully online or via hyflex (science courses). KC faculty continue to work toward providing online labs where possible, to allow for maximum flexibility in lab science curriculum. Most courses have moved to OER (Math, English, Sociology, ECON, CHEM, PHYS, SPCH, DRAM, MUSIC, BIOL, GOVT) to allow for students to have no cost for a text book. Courses in the class schedule will be designated as “low cost or no cost” textbook and materials. Areas that are more difficult to move to OER, such as Accounting and Business are currently using less expensive Inclusive Access products. Low cost is defined as course textbook or materials that total \$50 or less. Hyflex courses offer all 3 modes of instruction at the same time, allowing the student maximum flexibility from class time to class time. Hyflex courses are designed in the online course schedule with an X designation. KC has held multiple professional development on hyflex and has upgraded all of the classrooms in Old Main to Zoom rooms. In addition, all classroom buildings have at least one zoom room and faculty are equipped with mobile cameras to make any space a zoom room.

- Outcome 2F.1: By August 2023, as warranted, expand offerings of high demand courses (**Complete**).
 - Kilgore College has identified its current slate of high demand programs and courses. Expansion in areas has begun and will continue as KC adds and adjusts programs.
 - Rad Tech program moved to 8-week semesters Fall 2023 to allow for additional students and cohorts to move through the program and graduate.
 - LVN program has been added back as a stand-alone program per the needs of the regional hospitals.
 - Surg Tech has been added as an in-demand program starting Fall 2022.
 - Advanced Manufacturing has been added as a program and approved by SACSCOC to begin August 2023.
 - Endorsed by the Advanced Manufacturing Industry Technology (AMIT) Council which are Industry Trade Leaders from Gilmer, Longview, and Kilgore.

- Outcome 2F.2: By August 2023, expand online summer course offerings (**Complete**).
 - Summer online course offerings have expanded including the May mini. We are in discussions to add an August mini for next year (online).
 - Additionally, new online course offerings for summer include Kinesiology, EMS/EMT, as well as expanded offerings online (instead of face-to-face) in KC's university transfer area.

- Outcome 2G.1: By August 2023, develop a two-year course schedule to aid students in long-term planning for completion of educational pathways (**Complete**).
 - Conversion to a full 1-year schedule will be in place for academic year 24-25 (beginning fall 2024). Currently, all courses are sequenced and listed as to when they are offered throughout the academic year, allowing for students and advisors to plan a student pathway to completion. Schedules will be built for summer 2024, fall 2024 and spring 2025 beginning in February of 2024. Student Services will be part of the schedule building since students will be able to enroll in a full, year-long schedule at one time. This will require some schedule adjustments as the semester progresses, should a student

fail a course and not be able to continue in the sequence. Financial aid will be brought in on the planning fall 2023.

- Outcome 2I.1: By Fall Semester 2023 (August 2023), require each first-time-in-college student to take EDUC 1300-Learning Framework in their first semester of enrollment. *Due date adjusted to August 2024*.
 - Discussions are continuing regarding a mandatory first semester (institutional requirement) EDUC 1100 (one hour instead of 3 hours) course for AA and AS degree students. This course would be built around career exploration and goal attainment for students. Currently, KC is researching the financial aid implications for students and how other colleges (such as Amarillo College) are paying for the course.

- Outcome 3A.4: By August 2023, expand continuing education course offerings for those professions requiring continuing education units (CEUs) (*Complete*).
 - CE mirrored courses were added to both industrial maintenance and instrumental and electrical courses. These are used by the Crosby Group for apprenticeships.
 - CE certificate was built for AAON Coil. This is a certification used to upskill foreman and leaders from within the company. We had as many as 17 in that program.
 - New online offering of CNA.
 - Sterile Processing program is currently full with 12 students and has a wait list for the spring.
 - New Executive Dean position for CE created and filled to enable continued expansion in CE and CEU's for KC's current and future industry partners.
 - Substance Abuse Counseling program is holding an annual (2 years plus now) conference in the spring that counts for CEU's.

- Outcome 3A.5: By August 2023, become eligible for Title V Hispanic-Serving Institution status through strategic outreach to the Hispanic community (**Complete**).
 - Designated as a Developing Hispanic Serving Institution.
 - Bilingual employees in multiple Student Services departments
 - Bilingual employees participating in events at high schools
 - Signage and other materials printed in Spanish
 - Promotion of TASFA financial aid availability at financial aid events at high schools

- Outcome 3A.9: By August 2023, research and identify a convenient path to completion of baccalaureate degrees in nursing, computer information technology, and applied arts and sciences through either a KC credential or through a partner institution (**Complete**).
 - REQUIREMENTS FOR ADN RN AND BSN
 - Graduates of the Kilgore College Nursing program receive an Associate Degree in Nursing and upon successfully passing the NCLEX-RN licensure exam will obtain a Registered Nurse license. The Program requires successful completion of a minimum of 60 semester credit hours of approved coursework and must be completed within six years. Other requirements include 30 additional hours of nursing courses to complete the Bachelor of Science degree in Nursing. Up to 12 credit hours of appropriate coursework may be transferred into the program from an accredited institution and if taken within the last six years.
 - The program is considered as a “high demand” by the Texas Legislature and is highly favored to pass the approval process due to high need which may allow us to bypass the \$6 Billion Dollar tax base requirement for offering a Baccalaureate program. We expect to receive additional information on this during the 89th Texas Legislature in 2025.
 - The Curriculum has been developed and Kilgore College has five faculty working on their terminal degrees in Nursing.

- Outcome 3B.2: By August 2023, compile a demand occupation list and evaluate all existing programs to determine if they produce a credential of value (**Complete**).
 - Texas Workforce Commission and National Student Clearinghouse data were combined to create a benchmark Return on Investment (ROI) for students. Current data show that the average annual wage for all Degree/Certificate completers is \$ 44,000.00 with those earning an Associate of Applied Science earning an annual average of \$ 60,000.00.
 - Data will be assembled each year moving forward for the prior year graduating class.

- Outcome 4A.5: By August 2023, establish a President's Leadership Academy to grow and foster leaders/leadership potential (**Complete**).
 - The Leadership Academy cohort and training schedule has been established. Members will begin the program in the 2023-2024 Academic Year. The first class date is September 22, 2023.

- Outcome 4A.6: By August 2023, complete conversion to Texas Association of School Boards (TASB) policies, devise administrative rules for implementation of those policies, and establish an ongoing process for adoption of new/revised policies (**In-Progress**).
 - 88.1% Completed
 - TASB policies are scheduled to be fully implemented by December 2023.

- Outcome 4C.4: By August 2023, strengthen financial position of auxiliary enterprises through entrepreneurial activities (**Complete**).
 - The auxiliary enterprises are in the midst of implementing their respective business plans. Campus Store is acclimating to more OER & Digital Books/Materials and shifting to more retail. Fitness Center establishing a corporate membership plan and robust live class schedules. RangerPRINT is still implementing the workflow program and preparing to open operations to peer entities and the public. The renovations of Stark are nearing completion and will restore rental capacity for on-campus living. The higher quality of the facility allowed us to increase the cost by 42% for the 2023-2024 academic year. In addition, we are implementing a \$150 refundable deposit for 2023-2024 for all residence halls that will help fund costs related to damage caused by residents. The Game Day Store (part of Campus Store) has increased the presence at events and have established a food truck program for events enhancing the experience and generating revenue from renting the spaces.



**Kilgore Junior College District
Personnel Agenda
September 11, 2023**

1. Recommendation to accept employee resignations as follows:

- a. Quine, Jennifer, Coordinator – Substance Abuse Counseling, effective 8/11/2023, after 14 years and 1 month of service. *(accepted position with ISD)*
- b. Wood, Jordan, Liaison – Alumni, effective 8/18/2023, after 1 month of service. *(position not what she expected)*
- c. Wilbanks, Michael, Instructor- Industrial Maintenance, effective 12/31/2023, after 1 year and 4 months of service. *(retiring; not through TRS/ERS)*

2. Recommendation to accept employee retirement as follows:

- a. Powers, Kevin, Lab Instructor – Nursing, effective 8/31/2023, after 14 years and 7 months of service.

3. Recommendation to change employment as follows:

NAME	PREVIOUS POSITION	NEW POSITION	NEW SALARY/RATE OF PAY	EFFECTIVE DATE
Pameila Miller	Admin Asst I – Testing	Assistant Coordinator – Testing Center Longview	\$38,610 12 months	8/1/2023
Olivia Moore	Director ETX Oil Museum	Museum Services Director	\$55,249 12 months	8/1/2023
Matthew Simpson	Artistic Associate TSF	Instructor – Theatre/TSF	\$64,400 12 months	9/1/2023
Justin Rios	Simulation Lab Coordinator – Nursing	Instructor – Nursing	\$68,000 12 months	9/1/2023
Natalie Wade	Instructor – Biology	Department Chair & Instructor – Biology	\$54,717 10.5 months & Stipend of \$6,500 added	9/1/2023
Mary Shaw	Department Chair & Instructor – Biology	Assistant Dept Chair & Instructor – Biology	Stipend changed to \$5,000	9/1/2023
Matthew Wickes	Instructor – Mathematics	Assistant Dept Chair & Instructor – Mathematics	Stipend of \$5,000 added	9/1/2023
Portia Scott	Assistant Dept Chair & Instructor- English	Instructor – English	Stipend of \$5,000 removed	9/1/2023
Jessica Copeland	Police Officer	Police Sergeant	\$69,400 12 months	9/1/2023

4. Recommendation of employment as follows:

NAME	POSITION	LOCATION	SALARY/BASE RATE OF PAY	HIRE DATE
Jennifer Rich	Instructor – Mathematics	Kilgore	\$44,300.00 9 months	9/1/2023
Carol DeGrasse	Instructor – English	Kilgore	\$43,900 9 months	9/1/2023
Richard Jones	Instructor – Manufacturing Technology	Longview	\$59,500 10.5 months	9/1/2023
Charles Obare	Instructor – Mathematics	Kilgore	\$49,300 9 months	9/1/2023
Lori Cook	Instructor – Nursing	Kilgore	\$69,020 10.5 months	9/1/2023
Megan DeHoyos	Assistant Manager – Rangerette Showcase	Kilgore	\$41,505 12 months	8/16/2023
James Horton	Specialist - Financial Aid Veterans Certifying Official	Kilgore	\$36,725 12 months	9/1/2023
Andre Belaski	Police Officer	Kilgore	\$58,500 12 months	8/28/2023
Caitlyn Jimerson	Recruiter – Admissions Counselor	Kilgore	\$35,916 12 months	8/21/2023
Ceara Latson	Recruiter – Admissions Counselor	Kilgore	\$35,916 12 months	8/21/2023
Yulonda Boyd	Coordinator – Substance Abuse Counseling	Kilgore	\$46,400 9 months	9/1/2023
Jason Berglund	Interim Manager - Dodson Auditorium	Kilgore	\$53,000 12 months	7/16/2023

Final Publish Date 8/24/2023

RESOLUTION NO. R-2024-1
A RESOLUTION OF THE KILGORE COLLEGE
BOARD OF TRUSTEES
TO SET THE TAX RATE

Date: September 11, 2023

On this date, we, the Board of Trustees of Kilgore College, hereby levy or set the tax rate on \$100 valuation for the College for the tax year 2023 at a total tax rate of \$0.17500, to be assessed and collected by the duly specified assessor and collector as follows:

\$0.03497 for the purpose of payment of principal and interest on debts; and

\$0.14003 for the purpose of maintenance and operations.

Such taxes are to be assessed and collected by the tax officials designated by the College.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 17 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$26.

ORDERED, APPROVED, AND ADOPTED on the 11th day of September 2023.

President
Kilgore College Board of Trustees

Vice President Administrative Services
Kilgore College

ATTEST:

Secretary, Kilgore College Board of Trustees

PRIMARY EMPLOYER TAX ABATEMENT AGREEMENT

TERSCO PROPERTY MANAGEMENT, LTD/KEEPRITE REFRIGERATION , INC. AND
THE CITY OF KILGORE

STATE OF TEXAS §

COUNTY OF GREGG §

This instrument is a Primary Employer Tax Abatement agreement executed by and between the City of Kilgore, Texas and Tersco Property Management , LTD/Keeprite Refrigeration, Inc. (Company). Its terms and conditions are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

RECITALS

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

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

C. The City has designated by ordinance the Real Property as Reinvestment Zone No. 8 ("Zone") eligible for the abatement of ad valorem taxes assessed against the Real Property or certain tangible Personal Property located thereon. The Ordinance creating the Zone is included as Attachment "A" with Exhibits "A" and "B" describing and depicting the Zone. By virtue of the City's following the requirements of the Law in creating the Zone, the City and Company now exercise their rights to enter into this instrument, the terms and conditions of which are detailed below and, together with the Attachments and Exhibits, constitute the full and complete agreement ("Agreement") between the City and Company concerning the abatement of ad valorem taxes assessed against the Real Property and Personal Property within the Zone and otherwise payable to the City.

TERMS AND CONDITIONS

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

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

3. Company will construct within the Zone improvements to the Real Property and/or purchase certain tangible Personal Property for use in the Zone or on location outside of the Zone so long as the taxable situs of such Personal Property is in the Zone ("Facilities") and prior to completion ("Completion Period") spend a minimum of \$53,000,000 in construction and/or Personal Property improvements. The improvements and personal property will immediately be rendered with the Gregg County Appraisal District.

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

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

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

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

8. Company must annually, on or before January 31st of each year, certify to the City Council that it is in compliance with the terms of this Agreement as of January 1st of that year. (Attachment F)

9. Should the City determine that Company is in default in the terms and conditions of this Contract, then the City shall notify Company at the address stated below or personal notice.

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

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

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

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

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

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

lfto Company, then to Tersco Property Management, LTD/Keeprite Refrigeration, Inc.

lfto the City, then to 815 N. Kilgore St, Kilgore, Texas 75662, Attention: City Clerk of the City of Kilgore, Texas.

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

16. This Agreement was approved by the affirmative vote of a majority of the members of the governing body of the City Council of the City of Kilgore at a regularly scheduled meeting on the _____ day of _____, 20____, and _____ R.E. Spradlin III, Mayor was authorized to sign on behalf of the City of Kilgore, Texas.

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

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

WITNESS OUR HANDS, this _____ day of _____, 20_____

Tersco Property Management, LTD/Keeprite Refrigeration, Inc.

By: _____

Its: _____

CITY OF KILGORE, TEXAS

By: _____

Ronald E. Spradlin, III, Mayor

ATTEST:

Rachel Rowe, City Clerk

APPROVED AS TO FORM AND EFFECT:

Blake Armstrong, City Attorney

THE STATE OF TEXAS

COUNTY OF __

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged

to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said Corporation.

Given under my hand and seal of office on this _____ day of _____ 20

Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF GREGG/RUSK

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

Given under my hand and seal of office on this _____ day of _____ 20

Notary Public, State of Texas

ATTACHMENTS TO TAX ABATEMENT AGREEMENT

Attachment "A"	Ordinance creating Reinvestment Zone
Attachment "B"	Tax Abatement Terms and Conditions
Attachment "C"	List of proposed improvements and/or repairs to be made to the property by Company or tangible personal property to be purchased and located on the property
Attachment "D"	Job Creation Form A

Attachment "E"

Certificate of Compliance

Attachment "F"

Map showing existing uses and conditions
of Company's property

Attachment "G"

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

EXHIBIT A
ORDINANCE NO. 1861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILGORE, TEXAS, DESIGNATING TRACT ONE: ALL THAT CERTAIN 69.96 ACRE TRACT OF LAND SITUATED IN GREGG COUNTY, TEXAS, SITUS ADDRESS: SPINKS CHAPMAN RD KILGORE TX 75662, LEGAL DESCRIPTION: AB 202 G H TUTT SUR TR 3-01; AB 72 G W FLOYD SUR TR 1-01 & AB G W GROCE SUR TR 21. TRACT TWO: ALL THAT CERTAIN 81.95-ACRE TRACT OF LAND SITUATED IN GREGG COUNTY, TEXAS, SITUS ADDRESS: SPINKS CHAPMAN RD KILGORE, TX 75662, LEGAL DESCRIPTION: AB 202 G H TUTT SUR TR 3 & AB 72 G W FLOYD SUR TR 1. TRACT 3: ALL THAT CERTAIN 51-ACRE TRACT OF LAND SITUATED IN GREGG COUNTY, TEXAS, SITUS ADDRESS: SPINKS CHAPMAN RD KILGORE, TX 75662, LEGAL DESCRIPTION: AB 202 G H TUTT SUR TR 3-02 & AB 72 G W FLOYD SUR TR 1-02. TRACT 4: ALL THAT CERTAIN 89.556-ACRE TRACT OF LAND SITUATED IN GREGG COUNTY, TEXAS, SITUS ADDRESS: AIRPORT RD KILGORE, TX 75662, LEGAL DESCRIPTION: AB 72 G W FLOYD SUR TR 9 & AB 202 G H TUTT SUR TR 5.

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

WHEREAS, a hearing before the City Council was set for 5:30 p.m. on the 22nd day of August, 2023, such date being at least SEVEN (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Kilgore; and

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

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

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

WHEREAS, all owners of property located within the proposed Reinvestment Zone and all other taxing units and other interested persons were given the opportunity at such public hearing

to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

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

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

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

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

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

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called held and conducted and that notice of such hearing has been published as required by law.
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone pursuant to the Act; and
- (c) That creation of the proposed zone with boundaries as described in Exhibits "A" and "B" will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the reinvestment zone.
- (d) That the Reinvestment Zone, as defined in Exhibits "A" and "B", meets the criteria for the creation of a Reinvestment Zone as set forth in Chapter 312.201 of the Act.

SECTION 3: That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit "A" attached hereto and depicted in a drawing attached hereto as Exhibit "B" and such Reinvestment Zone shall hereafter be identified as the City of Kilgore Reinvestment Zone, Number 8, (the "Zone").

. SECTION 4: That operation of the Zone shall commence on September 01, 2023, for a penod of five years, and may be renewed for an additional five years or may terminate sooner by subsequent ordinance.

SECTION 5: That a written Agreement as provided in the Act, with the owners of the property located within the Reinvestment Zone is to be considered according to the schedule and

term outlined in Exhibit "C", and the written agreement shall provide an exemption from taxation the increased value in the real and/or personal property according to that schedule.

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

SECTION 7: Pursuant to §312.002, the City Council hereby finds that the terms of the Tax Abatement Agreement to be executed in connection with this Ordinance meets the applicable Guidelines and Criteria for Primary Employer Tax Abatement adopted on August 22, 2023 by the City Council, effective August 22, 2023 through August 21, 2025.

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

SECTION 9: That the contents of the notice of public hearing, which hearing was held before the City Council on August 22, 2023, and the publication of said notices, is hereby ratified, approved and confirmed.

PASSED, APPROVED, and ADOPTED on this the 22nd day of August, 2023.

CITY OF KILGORE, TEXAS



Ronald E. Spradlin, III, Mayor

ATTEST:

f!tutuL

Rachel Rowe, City Clerk

APPROVED AS TO FORM AND EFFECT:



Blake Armstrong, City Attorney



EXHIBITS TO ORDINANCE

Metes and Bounds or other description of zone

Map of zone

Tax Abatement Schedule

EXHIBIT "A" TO ORDINANCE
Metes and Bounds or other description of zone

TRACT ONE:

All that certain 91.53 acre tract of land situated in Gregg County, Texas, being part of the G.H. Tutt Survey, A-202, George W. Floyd Survey A-72, and George W. Groce Survey, A-261, and being part of the N.C. Norris Estate 228.48 acre tract as described in field notes prepared by

J.D. Billings, R.P.L.S. 4133, on August 22, 1992, and being part of that certain called 250.78 acres of land comprised of four separate tracts as described by deed from J.A. Norris to N.C. Norris, dated March 7, 1942, recorded in Volume 269, Page 307, Deed Records, Gregg County, Texas, and this 91.53 acre tract being more fully described as follows:

BEGINNING at a 1/2 inch iron rod set at the Northwest corner of the above mentioned 228.48 acre tract in the South R.O.W. of Spinks Chapman Road, 40 feet Southerly and perpendicular from the center of same;

THENCE S47°19'41" E along the North line of said 228.48 acre tract, and said South R.O.W., 1505.55 feet to a 1/2 inch iron rod set to mark the beginning of a curve to the left;

THENCE along said curve having a radius of 2904.79 feet, an interior angle of 04°14', a chord bearing S49°26'41" E, 214.57 feet, and an arc length of 214.62 feet to a 1/2 inch iron rod set to mark the end of said curve;

THENCE continuing along the North line of said 228.48 acre tract, and said South R.O.W., S51°33'41" E, 2160.51 feet to a 1/2 inch iron rod set for this Eastern most Northeast corner, the same being an outer corner of an 85.95 acre tract surveyed this same day;

THENCE S40°00'W along this Eastern line, and Northern West line of said 85.95 acre tract, 200.81 feet to a 1/2 inch iron rod set for this Southeastern most corner, the same being an inner corner of said 85.95 acre tract;

THENCE N82°42'31" W along this South line, and North line of said 85.95 acre tract, 2425.37 feet to a 1/2 inch iron rod set in the center of a seasonal creek at an inner corner of said 228.48 acre tract, said corner being an angle point in this South line and the Northwest corner of said 85.95 acre tract, and said corner being an outer corner of the Frank Elder, et al, tract;

THENCE N87°23'W along a common line with said Elder tract, generally along a fence, 835.77 feet to a 1/2 inch iron rod set to re-mark an outer corner of said 228.48 acre tract and an inner corner of said Elder tract;

THENCE N10°00"E along the western line of said 228.48 acre tract, and East line of said Elder, and along the called West line of said Tutt Survey and called East line of the William McCurry Survey, A-146, a distance of 2346.62 feet returning to the place of beginning and containing 91.53 acres of land.

SAVE AND EXCEPT:

All that certain lot, tract, or parcel of land situated in the G.H. Tutt Survey A-202 Gregg County, Texas, being part of the Ronnie N. Shaw - 91.53 acre tract described in Volume 2452 Page 627 P.O.R.G.C.T., and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for this S.W.C., the 91.53 acre S.W.C., and an interior "L" corner of a certain 230 acre "Tract 6" described in Volume 1557 Page 209 D.R.G.C.T.;

THENCE North 09 degrees 59 minutes 52 seconds East for a distance of 1328.00 feet along this W.B.L., the 91.53 acre W.B.L., and the Northmost E.B.L. of the 230 acre tract, to a capped 1/2" iron rod set for this N.W.C.;

HI CE South 80 degrees 00 minutes 08 seconds East for a distance of 712.56 feet along this N.B.L. to a capped 1/2" iron rod set for this N.E.C.;

TNCE South 09 degrees 59 minutes 52 seconds West for a distance of 782.80 feet along this E.B.L. to a capped 1/2" iron rod set for deflection corner,

THENCE South 04 degrees 52 minutes 01 seconds East for a distance of 453.00 feet along this E.B.L to a 1/2" iron rod found in the center of a creek, said rod being on the 91.53 acre S.B.L and the 230 acre tract N.B.L;

THENCE North 87 degrees 22 minutes 59 seconds West for a distance of 835.70 feet along this S.B.L the 91.53 acre S.B.L, and the 230 acre N.B.L., to this POINT OF BEGINNING, containing 21.5729 acres.

TRACT TWO:

All that certain 85.95 acre tract of land situated in Gregg County, Texas, being-part of the G.H. Tutt Survey, A-202, and George W. Floyd Survey, A-72, and being part of the N.C. Norris Estate 228.48 acre tract as described in field notes prepared by J.D. Billings, R.P.L.S. 4133, on August 22, 1992, and being part of that certain called 250.78 acres of land comprised of four separate tracts as described by deed from J.A. Norris to N.C. Norris, dated March 7, 1942, recorded in Volume 269, Page 307, Deed Records, Gregg County, Texas, and this 85.95 acre tract being more fully described as follows:

BEGINNING at a sucker rod stake found at the Northeast corner of the above mentioned 228.48 acre tract in the South R.O.W. of Spinks Chapman Road, 40 feet Southerly and perpendicular to the center of same, and in the West R.O.W. of Norris Road, 25 feet Westerly and perpendicular from the center of same;

THENCE S11°39'38"E along the West R.O.W. of said Norris Road, 25 feet Westerly from and parallel to the center of same, 698.22 feet to a 1/2 inch iron rod set for this Southeast corner, the same being the Northeast corner of a 51.00 acre tract surveyed this same day;

THENCE N86°28'15"W along this South line, and North line of said 51.00 acre tract, 3131.70 feet to a 1/2 iron rod set in the center of a seasonal creek for this Southwest corner, the same being the Northwest corner of said 51.00 acre tract, and being in the East line of the Frank Elder, et al tract;

THENCE in a Northwesterly direction generally with the meanders of said creek as follows: N72°00' W, 134 feet; S86°00'W, 60 feet; N62°00' W, 78 feet; N01°00'W, 49 feet; N32°00'E, 116 feet; N60°00'E, 35 feet; N25°00'W, 18 feet; N13°00'E, 117 feet; N07°00'W, 67 feet; N21°00'E, 64 feet; N48°00'W, 77 feet; N26°00'W, 156 feet; N80°00'W, 129 feet; N08°00'W, 187 feet; N84°00'E, 132 feet; N07°00'E, 104 feet; N18°00'W, 100 feet; N32°00'E, 97 feet; N36°00'W, 48 feet; N63°00'W, 121.82 feet; and N01°00'W, 23 feet to a 1/2 inch iron rod set for this Northwest corner at an inner corner of said 228.48 acre tract, said corner also being an angle corner in the South line of a 91.53 acre tract surveyed this same day, and said corner being an outer corner of the Frank Elder, et al, tract;

THENCE S82°42' 31"E along this North line and South line of said 91.53 acre tract, 2425.37 feet to a 1/2 inch iron rod set for an inner corner of this 85.95 acre tract and an outer corner of said 91.53 acre tract;

THENCE N40°00'E along this Northern West line and Southern East line of said 91.53 acre tract, 200.81 feet to a 1/2 inch iron rod set for this Northern most Northwest corner at the Northeast corner of said 91.53 acre tract in the South R.O.W. of Spinks Chapman Road, 40 feet Southerly and perpendicular from the center of same;

THENCE S51°33'41"E along said South R.O.W. and North line of said 228.48 acre tract, 1063.40 feet returning to the place of beginning and containing 85.95 acres of land.

SAVE AND EXCEPT:

A 4.00 ACRE LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE G.W. FLOYD, A-72 SURVEY, GREGG COUNTY, TEXAS, BEING PART OF A CALLED 85.95-ACRE TRACT OF LAND CONVEYED TO EDWIN KEITH NORRIS BY WARRANTY DEED IN VOLUME 2851, PAGE 456, PUBLIC OFFICIAL RECORDS, GREGG COUNTY, TEXAS, AND BEING A PORTION OF THE N.C. NORRIS ESTATE 228.48 ACRE TRACT AS DESCRIBED IN FIELD NOTES BY J.D. BILLINGS, R.P.L.S. 4133, ON AUGUST 22, 1992, AND BEING PART OF THAT CERTAIN CALLED 250.78- ACRES OF LAND COMPRISED OF FOUR SEPARATE TRACTS AS DESCRIBED IN DEED CONVEYED TO N.C. NORRIS IN VOLUME 269 PAGE 307 DEED RECORDS, GREGG COUNTY, TEXAS SAJD 4.00-ACRES BEING MORE FULLY DESCRIBED AS FOLLOWS:

NOTE: the northerly right-of-way of Spinks Chapman Road was used for the bearing basis herein.

BEGINNING at a sucker rod stake found at the northwest corner of said 228.48-acre Tract, same being the southerly right-of-way of Spinks Chapman Road, 40 feet southerly and perpendicular to the center of same

and in the westerly right-of-way of Norris Road, for a point in the east boundary line of said 85.95-acre Tract, and the northeast corner hereof;

THENCE S 11°39'38" E with the westerly right-of-way of Norris Road, 25 feet westerly from and parallel to the center of same, for a distance of 698.22 feet, to a 112-inch iron rod found for a point in the east boundary line of said 85.95-acre Tract, and the southeast corner hereof;

THENCE N 86°28'15"W, departing the westerly right-of-way of Norris Road, with the south line of said 85.95-acre Tract, for a distance of 305.93 feet, to a capped and inscribed No. 5483 112-inch iron rod set for the southwest corner hereof;

THENCE N 01°02'44"W, over and across said 85.95-acre Tract, a distance of 807.15 feet, to a 112-inch iron rod found in the southerly right-of-way of Spinks Chapman Road same being the most northerly corner of said 85.95-acre Tract and the northwest corner hereof;

THENCE S 51°33' 41 "E, with the southerly right-of-way of Spinks Chapman Road and the north line of said 228.48-acre Tract, for a distance of 228.48 feet, to the POINT OF BEGINNING hereof, having an area of 4.00 acres.

TRACT THREE:

All that certain 51.00 acre tract of land situated in Gregg County, Texas, being part of the G.H. Tutt Survey, A-202, and George W. Floyd Survey, A-7 2, and being part of the N.C. Norris Estate 228.48 acre tract as described in field notes prepared by J.D. Billings, R.P.L.S. 4133, on August 22, 1992, and being part of that certain called 250.78 acres of land comprised of four separate tracts as described by deed from J.A. Norris to N.C. Norris, dated March 7, 1942, recorded in Volume 269, Page 307, Deed Records, Gregg County, Texas, and this 51.00 acre tract being more fully described as follows:

BEGINNING at a 1/2 inch iron rod set for this Northeast corner, and the Southeast corner of a 85.95 acre tract surveyed this same day, in the East line of the above mentioned 228.48 acre tract, the same being in the West line of Norris Road, 25 feet Westerly and perpendicular from the center of same, said corner bears S 11 deg39'38"E, 698.22 feet from a sucker rod stake found at the Northeast corner of said 228.48 acre tract at the intersection of the South R.O.W. of Spinks Chapman Road and West R.O.W. of Norris Road;

THENCE S 11°39'38"E along the East line of said 228.48 acre tract, and West R.O.W. of Norris Road, 693.28 feet to a sucker rod stake found for this Eastern Southeast corner at the Northeast corner of a called 2.59 acre tract;

THENCE N 80°27'33"W along this Eastern South line, and North line of said called 2.59 acre tract, 425.13 feet to a sucker rod stake found at the Northwest corner of said called 2.59 acre tract for an inner ell corner of this 51.00 acre tract;

THENCE S 09°34' 37"W along this Southern East line, and West line of said called 2.59 acre tract, 247.7 feet to a sucker rod stake found at the Southern Southeast corner of said 228.48 acre tract for this Southern Southeast corner at the Southwest corner of said called 2.59 acre tract, said corner also being in the North line of the City of Kilgore called 58.15 acre tract;

THENCE N 81°25'49 "W along the South line of said 228.48 acre tract, generally along an old fence, and North line of said City of Kilgore tract, the Sneed tract, and the Kinney tract, 2303.50 feet to a 1/2 inch iron rod set at a 10 inch Elm for an angle point in this South line;

THENCE continuing along the South line of said 228.48 acre tract, generally along an old fence, N 72°12' 37"W, 271.71 feet to a 1/2 inch iron rod set at the Southwest corner of said 228.48 acre tract in the center of a seasonal creek, said corner being in the East line of the Frank Elder, et al tract;

THENCE generally in a Northwesterly direction down the meanders of said creek as follows: N29°00'W, 77 feet; N 12°00'E, 70 feet, N50°00'E, 33 feet; S82°00'E, 26 feet; N03°00'E, 38 feet; N57°deg00'W, 95 feet; N 17°00'E, 80 feet; WEST, 29 feet; N 13°00'E, 170 feet; S81°00'W, 93 feet; S40°00'W, 31 feet; N57°00'W, 38 feet; N88°00'W, 47 feet; N16°00'W, 60 feet; and N30°00'E, 30 feet to a 112 inch iron rod set for this Northwest most corner at the Southwestern most corner of the above mentioned 85.95 acre tract;

THENC S6°28'15"E along this North line, and South line of said 85.95 acre tract, 3131.70 feet returning to the place of beginning and containing 51.00 acres of land.

Tract Four:

All that certain 89.558 acre tract of land situated in Gregg County, Texas, being part of the G.H. Tutt Survey A-202 and G.W. Floyd Survey A-72, and being that same tract called to contain 89.708 acres of land as described in a deed dated December 8, 2004, from Dean Raymond Kinney to Leatrice Evelyn Johnson Kinney, and recorded under Clerk's File No. 200427957, Official Public Records, Gregg County, Texas, and being more fully described as follows:

BEGINNING at a 3/4" steel tube found for this lower southeast corner in the north line of Airport Road, having coordinates of N 6,851,763.94 E 3,104,417.32, same being the southwest corner of a called 12.816 acre tract of land described in a deed dated June 6, 1994, from Norman Kelly Sneed to Dana Laymon Sneed, and recorded in Volume 2678, Page 268, Official Public Records, Gregg County, Texas;

THENCE along the lower south line of this tract, the north line of Airport Road, and north line of Windsor Park North as shown on a plat recorded under Clerk's File No. 201209283, Official Public Records, Gregg County, Texas, N 79°56'07" W, 1012.18 feet to a survey nail with washer found for this southwest corner, having coordinates of N 6,851,905.79 E 3,103,415.21, same being the northwest corner of said Windsor Park North and located in the east line of a called 10.00 acre tract of land described in a deed dated May 14, 2015, from Joe Graham Sanders, Jr. to Joe G. Sanders, and recorded under Clerk's File No. 201508423, Official Public Records, Gregg County, Texas;

THENCE along the west line of this tract, the occupational west line of the G.W. Floyd Survey A-72, the occupational east line of the G.H. Tutt Survey A-202, and deed east line of said 10.00 acre tract, N 10°14'56" E, passing the northeast corner of said 10.00 acre tract and southeast corner of a called 5.298 acre tract of land described in a deed dated March 2, 2016, from Mary Jean Sanders Myers to Barney Scott Brown, Jr., and recorded under Clerk's File No. 201603293, Official Public Records, Gregg County, Texas, 1680.02 feet to a 112" iron rod found for angle corner, having coordinates of N 6,853,568.33 E 3,103,655.99, witnessed by a 13" Hackberry marked with new x bearing S 44° E, 1.1 feet, and continuing N 27°41'23" W, 23.09 feet to a 1/2" iron rod found for angle corner, having coordinates of N 6,853,588.39 E 3,103,644.55, and continuing along the east line of said 5.298 acre tract, N 04°26'05" E, 434.85 feet to a 1/2" x 48" iron rod with cap marked RPLS 4487 set for angle corner on northeast side of local creek, having coordinates of N 6,854,022.81 E 3,103,662.96, said set iron rod replacing an original 1/2" iron rod set by Lloyd R. Jessen in October of 1979, said iron rod also being the deed northeast corner of said 5.298 acre tract;

THENCE continuing along the west line of this tract and along northeast side of said creek, N 59°50'45"W, 34.27 feet to a 1/2" iron rod found for angle corner, having coordinates of N 6,854,038.97 E 3,103,632.74, same being an angle corner in the north line of said adjoining 5.298 acre tract and being the southeast corner of Lot 17 of Synergy Park Subdivision Phase 5 as shown on a plat recorded under Clerk's File No. 201611514, Official Public Records, Gregg County, Texas;

THENCE continuing along the west line of this tract, the east line of said Lot 17, and generally old fence meanders, N 58°38'08" W, 95.56 feet, N 20°11'27" W, 99.72 feet, N 19°44'45" W, 24.04 feet, N 35°54'32" W, 112.51 feet, N 22°54'28" W, 121.23 feet, N 29°50'39" W, 155.73 feet, N 42°57'31" W, 103.67 feet, N 22°39'15" W, 134.18 feet, N 21°55'18" W, 125.04 feet, and N 11°16'38" E, 51.51 feet to a 1/2" iron rod found in creek for this northwest corner, having coordinates of N 6,854,891.82 E 3,103,128.83, same being the deed southwest corner of a 51.00 acre tract of land described in a deed dated February 21, 2007, from Ellen Bradley Green, Trustee, to Kilgore Economic Development Corporation, and recorded under Clerk's File No. 200704881, Official Public Records, Gregg County, Texas;

THENCE along the upper north line of this tract and south line of said 51.00 acre tract with fence, S 72°13'42" E, 271.71 feet to a 112" iron rod found for angle corner, having coordinates of N 6,854,818.01 E 3,103,390.30, and continuing S 81°26'49" E, 1264.37 feet to a 4" iron pipe corner post found set in concrete for this upper northeast corner, same being the northwest corner of a called 6 acre tract of land (Property One) described in the above referenced instrument to Dana Laymon Sneed, having coordinates of N 6,854,673.91 E 3,104,646.34;

THENCE along the upper east line of this tract and west line of said called 6 acre tract S 02°07'18" E, 635.50 feet to a 4" iron pipe corner post found set in concrete for ell corner, having coordinates of N 6,854,040.11 E 3,104,692.10, same being the southwest corner of said 6 acre tract;

THENCE along the lower north line of this tract and south line of said 6 acre tract, S 80°41'54" E,

406.07 feet to a 4" iron pipe corner post found set in concrete for this lower northeast corner, having coordinates of N 6,853,988.56 E 3,105,094.86, same being the southeast corner of said 6 acre tract, and located in the upper west line of said Sneed called 12.816 acre tract;

THENCE along the middle east line of this tract and upper west line of said 12.816 acre tract, S 08°30'28" W, 1784.43 feet to a 5/8" iron rod found for this upper southeast corner, having coordinates of N 6,852,215.73 E 3,104,892.89, same being an ell corner in said 12.816 acre tract;

THENCE along the upper south line of this tract and lower north line of said 12.816 acre tract, N 83°01'25" W, 363.34 feet to a 3/8" iron rod found for ell corner, same being the lower northwest corner of said 12.816 acre tract, and having coordinates of N 6,852,247.20 E 3,104,530.94;

THENCE along the lower east line of this tract and lower west line of said 12.816 acre tract, S 15°14'22" W, 496.47 feet returning to the place of beginning and containing 89.558 acres of land.

Bearings shown hereon are related to Geodetic North. To convert bearings shown (Geodetic) to bearings related to Grid North for the Texas Coordinate System of 1983, North Central Zone, rotate bearings shown counter-clockwise by the Mapping Angle of 02°00'30". Distances shown hereon are expressed in U.S. Survey Feet as measured horizontally along the surface of the Earth. To convert distances shown (Horizontal-surface) to distances measured along the Grid for the Texas Coordinate System of 1983, North Central Zone, multiply distances shown by Combined Scale Factor of 0.999921897. Cartesian Coordinates shown hereon are related to the Texas Coordinate System of 1983, North Central Zone, and were obtained by Static GPS observations made on site.

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N\α? of zone

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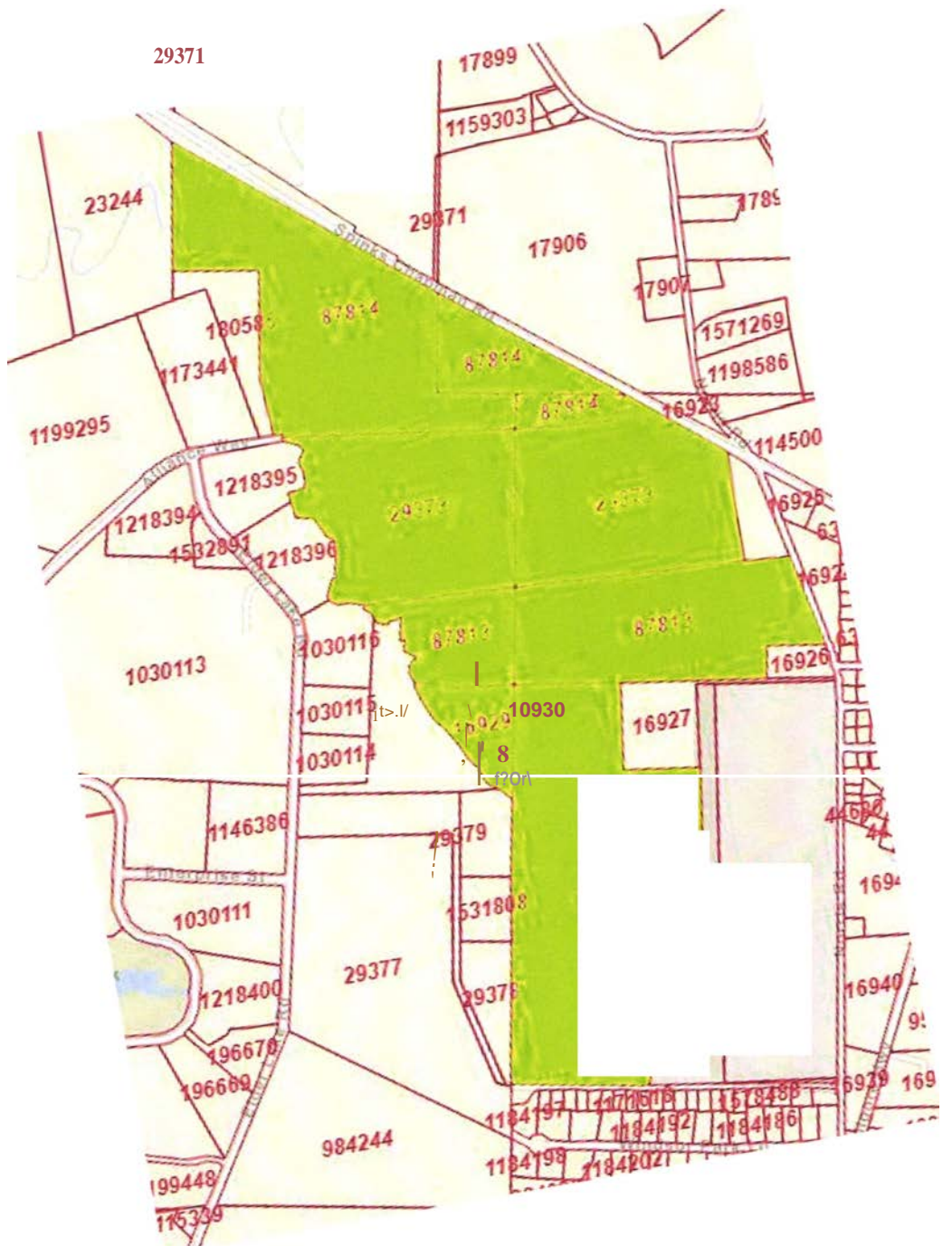


EXHIBIT "C" TO ORDINANCE

Tax Abatement Schedule

Tax abatement on improvements to real and personal property may be granted to qualified businesses in the Industrial Reinvestment Zone (i) investing a minimum of \$1,000,000 in capital improvements and (ii) either creating 25 or more full-time jobs or increasing and maintaining payroll by at least \$625,000 annually during the term of this agreement. The abatement will be granted according to the following sliding scale:

YEAR	% OF ADDED VALUE TO BE ABATED
1	100%
2	100%
3	100%
4	75%
5	75%
6	50%
7	50%
8	25%
9	25%
10	25%

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

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

EXHIBIT "B"

PRIMARY EMPLOYER TAX ABATEMENT TERMS AND CONDITIONS

SECTION 1: CONDITIONS

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

Real Estate:	\$1,408,320
Personal Property:	<u>\$7,294,982</u>
Total Base Value:	\$8,703,302*

* Gregg County Appraisal District values according to 2023 preliminary or certified valuation.

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

- c) The City of Kilgore hereby exempts from ad valorem real and personal property taxation for the term set forth, the value in the Zone in excess of the base value stated in Attachment "B" Section 1:b, in accordance with Tax Abatement Terms and Conditions, Attachment "B" Section 2: Schedule of Tax Abatement.
- d) The term of the exemption will be for the period of time of 10 years, beginning January 1 of the year in which the Gregg Appraisal District pronounces the improvements to be constructed on the Real Estate to be substantially completed or in which the City of Kilgore issues a Certificate of Occupancy for the improvements, whichever occurs first. After the term expires, the full value of the improvements shall be included on the tax roll and assessed appropriately, and this Agreement shall terminate.
- e) The Company shall, within the term of this Agreement, construct or cause to be constructed upon Company's property in the Zone certain improvements and/or repairs as set forth in Attachment "C" of this Agreement and/or purchase or cause to be purchased certain tangible personal property including, but not limited to those set forth in Attachment "C" of this agreement. Such Attachment lists the kind, number and location of all proposed improvements and/or repairs to the property of Company in the Zone. Make, model and serial number of tangible personal property should be listed when known. However, it is the intent of the

City to abate taxes on all improvements and additions in excess of the Base Value, regardless of whether itemized on Schedule C.

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

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

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

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

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

k) The Company agrees to create 50 new full-time jobs over and above its current base employment over the term of the abatement period. Company's current base employment is 155. Should Company fail to create and maintain full-time jobs during any calendar year of this Agreement, then City will not certify to Gregg Appraisal District that Company is entitled to the abatement for the next calendar year. City may give Company credit during the first year of this Agreement for full-time jobs even though employees may not have worked the required number of hours. However, if Company fails to create the agreed upon number of full-time jobs during each calendar year, but makes additional capital improvements over and above those listed in Attachment "C" attached hereto, it can receive credit as if it had created new jobs. The amount of credit allowed will be determined by the City Council.

SECTION 2: SCHEDULE OF PRIMARY EMPLOYER TAX ABATEMENT

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

Schedule I

Tax abatement on improvements to real and personal property may be granted to qualified businesses in the Industrial Reinvestment Zone (i) investing a minimum of \$1,000,000 in capital improvements and (ii) either creating 25 or more full-time jobs or increasing and maintaining payroll by at least \$625,000 annually during the term of this agreement. The abatement will be granted according to the following sliding scale:

<u>YEAR</u>	<u>% OF ADDED VALUE TO BE ABATED</u>
1	100%
2	100%
3	100%
4	75%
5	75%
6	50%
7	50%
8	25%
9	25%
10	25%

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

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

Exhibit C

Keeprite Refrigeration, Inc. 6/30/2023

Starting Date	9/1/2023	(tentative)
Ending Date	8/31/2033	(tentative)
Current headcount	155	

For Tax Abatement

New Building	New Equipment	New Jobs
45,000,000	8,000,000	50

EXHIBIT "D"

JOB CREATION FORM A
Prepared for the City of Kilgore by Company

±

PERMANENT FULL TIME JOBS

1. Current total number of employees as of December 31, 2023:
155
2. Total employed on effective date of Primary Employer Tax Abatement:
3. Total number of qualifying jobs created as of December 31, 20__:

This form was completed by:

Printed Name: _____

Title: _____

Signature: _____

Date: _____

EXHIBIT "E"

CERTIFICATE OF COMPLIANCE
WITH PRIMARY EMPLOYER TAX ABATEMENT AGREEMENT
BETWEEN THE CITY OF KILGORE AND TERSCO PROPERTY
MANAGEMENT, LTD/KEEPRITE REFRIGERATION, INC.,

DATED _____.

IN REINVESTMENT ZONE NO. 8

CITY OF KILGORE, TEXAS

THE STATE OF TEXAS

COUNTY OF GREGG



Tersco Property Management, LTD/Keeprite Refrigeration Inc. (the
"Company") hereby certifies that:

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

(4) all other terms and conditions of this Agreement have been complied with.



Tersco Property Management, LTD/Keeprite Refrigeration, Inc. (the "Company") hereby certifies that:

The Company is not in compliance with its tax abatement agreement.

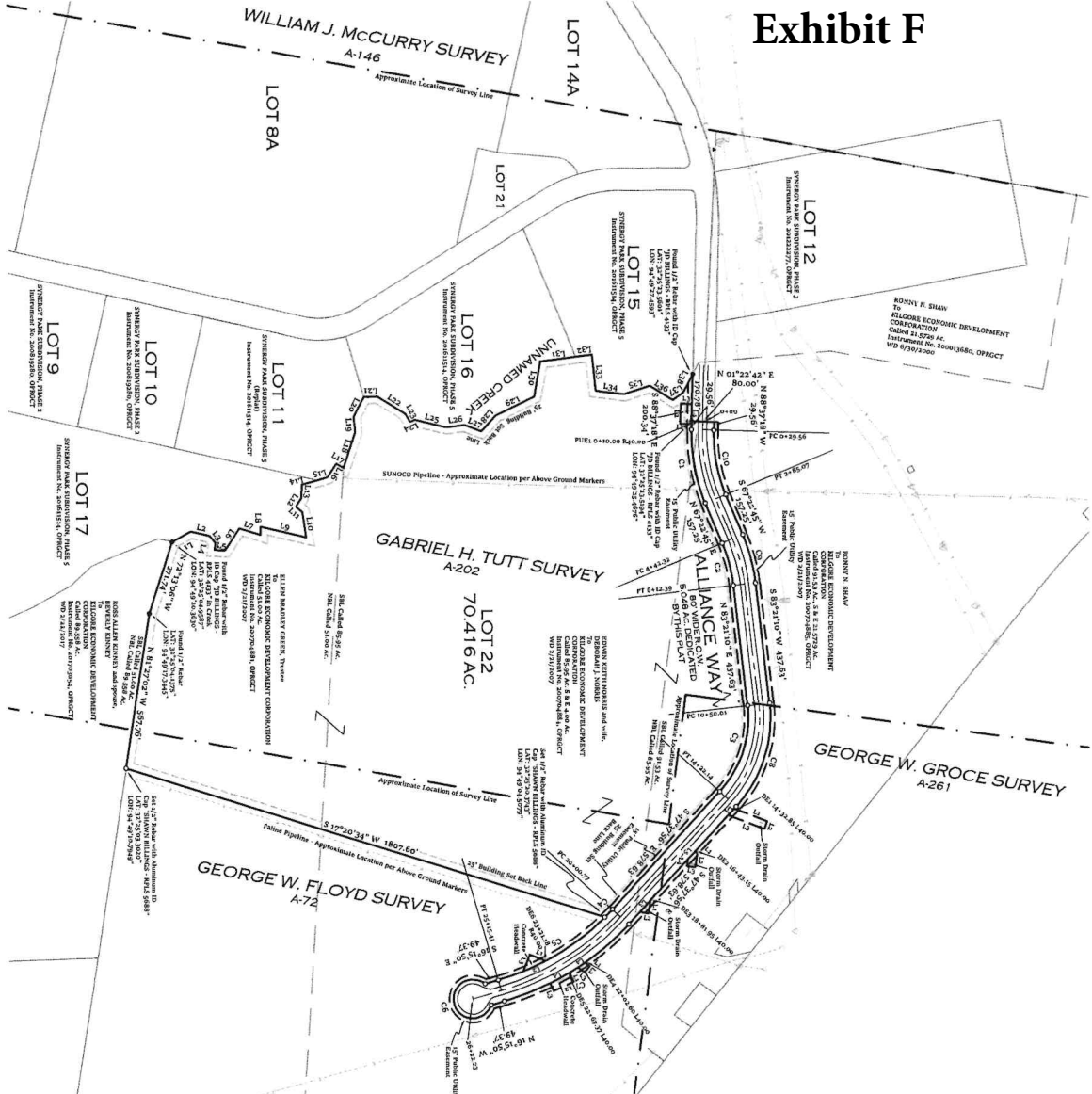
Current total employment is: _____ or current payroll is \$_____.

Signed the _____ day of _____, 20 _____.

(Signature of Company Representative)

(Position/Title)

Exhibit F

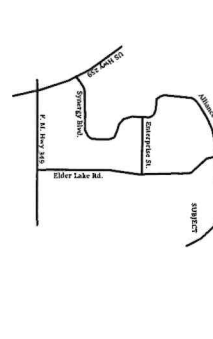
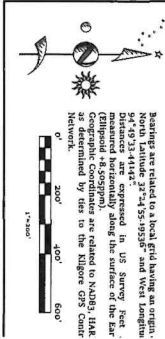


Curve Along Turned Creek

STATION	BEARING	DISTANCE
1	N 29° 08' 30" W	79.24
2	N 29° 08' 30" W	79.24
3	N 29° 08' 30" W	79.24
4	N 29° 08' 30" W	79.24
5	N 29° 08' 30" W	79.24
6	N 29° 08' 30" W	79.24
7	N 29° 08' 30" W	79.24
8	N 29° 08' 30" W	79.24
9	N 29° 08' 30" W	79.24
10	N 29° 08' 30" W	79.24
11	N 29° 08' 30" W	79.24
12	N 29° 08' 30" W	79.24
13	N 29° 08' 30" W	79.24
14	N 29° 08' 30" W	79.24
15	N 29° 08' 30" W	79.24
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27	N 29° 08' 30" W	79.24
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29	N 29° 08' 30" W	79.24
30	N 29° 08' 30" W	79.24
31	N 29° 08' 30" W	79.24
32	N 29° 08' 30" W	79.24
33	N 29° 08' 30" W	79.24
34	N 29° 08' 30" W	79.24
35	N 29° 08' 30" W	79.24
36	N 29° 08' 30" W	79.24
37	N 29° 08' 30" W	79.24
38	N 29° 08' 30" W	79.24
39	N 29° 08' 30" W	79.24
40	N 29° 08' 30" W	79.24
41	N 29° 08' 30" W	79.24
42	N 29° 08' 30" W	79.24
43	N 29° 08' 30" W	79.24
44	N 29° 08' 30" W	79.24
45	N 29° 08' 30" W	79.24
46	N 29° 08' 30" W	79.24
47	N 29° 08' 30" W	79.24
48	N 29° 08' 30" W	79.24
49	N 29° 08' 30" W	79.24
50	N 29° 08' 30" W	79.24

Drainage Statement 1

LINE	BEARING	DISTANCE
1	N 11° 15' 00" W	120.00
2	N 11° 15' 00" W	120.00
3	N 11° 15' 00" W	120.00
4	N 11° 15' 00" W	120.00
5	N 11° 15' 00" W	120.00
6	N 11° 15' 00" W	120.00
7	N 11° 15' 00" W	120.00
8	N 11° 15' 00" W	120.00
9	N 11° 15' 00" W	120.00
10	N 11° 15' 00" W	120.00
11	N 11° 15' 00" W	120.00
12	N 11° 15' 00" W	120.00
13	N 11° 15' 00" W	120.00
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16	N 11° 15' 00" W	120.00
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45	N 11° 15' 00" W	120.00
46	N 11° 15' 00" W	120.00
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49	N 11° 15' 00" W	120.00
50	N 11° 15' 00" W	120.00



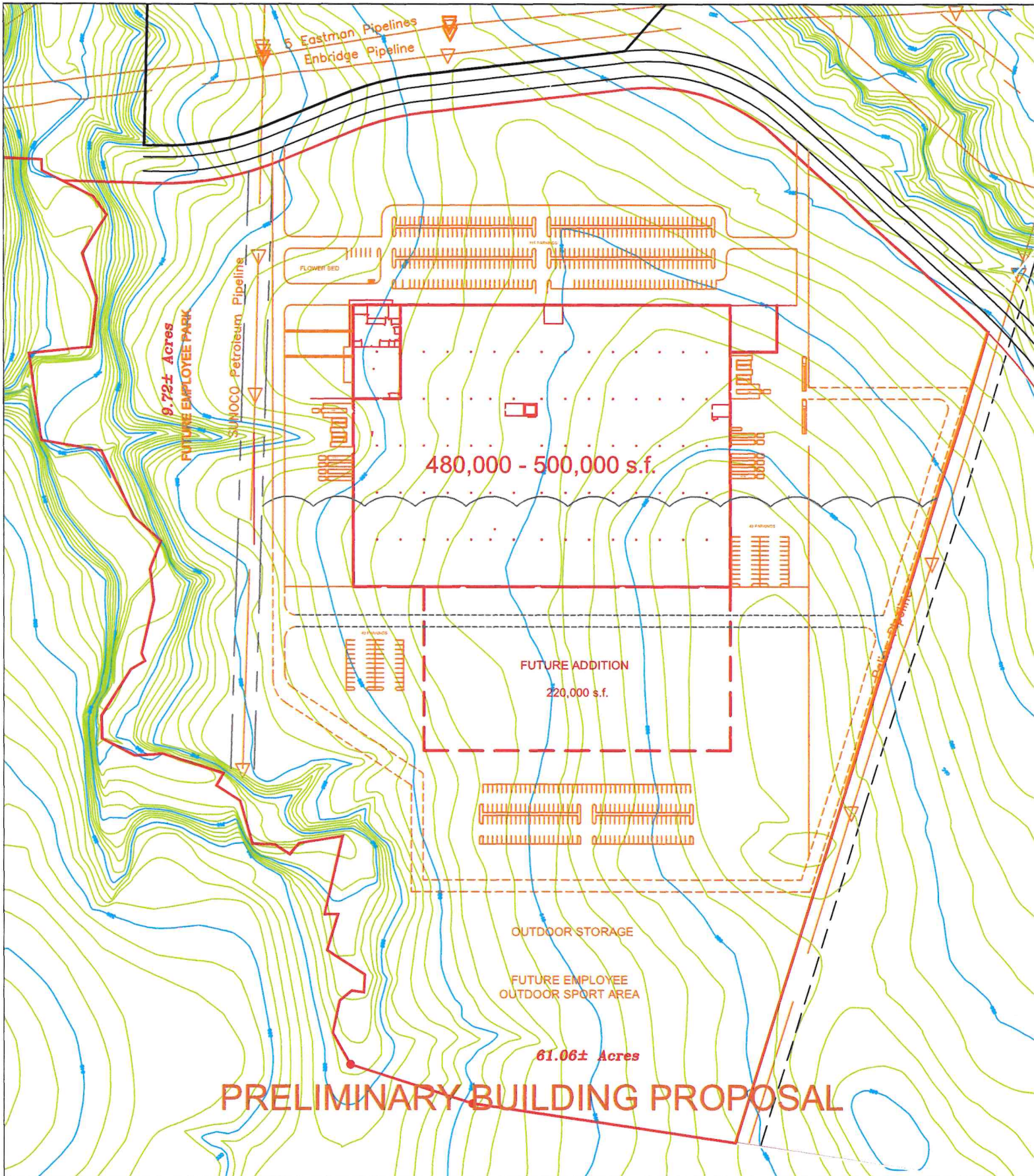
FINAL SUBDIVISION PLAN OF
SYNERGY PARKS SUBDIVISION, PHASE 8
 1 LOT - 75.464 ACRES OF LAND
 GABRIEL H. TUTT SURVEY, A-202
 GEORGE W. FLOYD SURVEY, A-72
 GEORGE W. GROCE SURVEY, A-261
 CITY OF KILGORE
 GREGG COUNTY, TEXAS

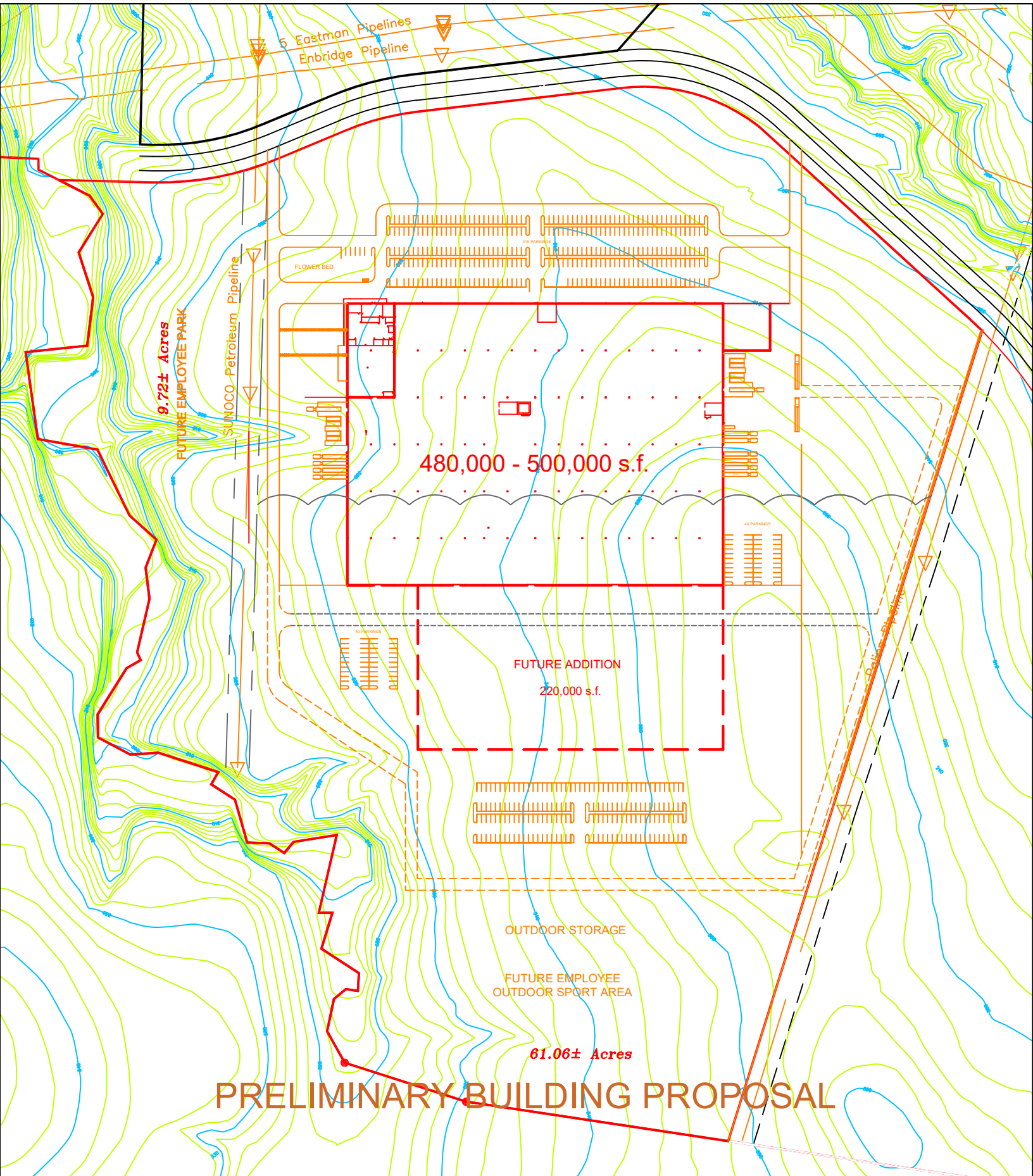
Shawn Billings, REALTOR
 12411 Kilgore, Texas, 75142
 (940) 825-1111
 shawn@shawnbillings.com

Surveying
 Shawn Billings, REALTOR
 12411 Kilgore, Texas, 75142
 (940) 825-1111
 shawn@shawnbillings.com

Shawn Billings, REALTOR
 12411 Kilgore, Texas, 75142
 (940) 825-1111
 shawn@shawnbillings.com

Exhibit G





60 Acres Alliance Way

Write a description for your map.

Legend

- Feature 1
- Synergy Park Lot



60 Acres Synergy Park on Alliance Way

1000 ft





IMPACT REPORT - EXPANSION ONLY

2414 TWO COOL

Revised \$'s 6-30-2023

JOBS



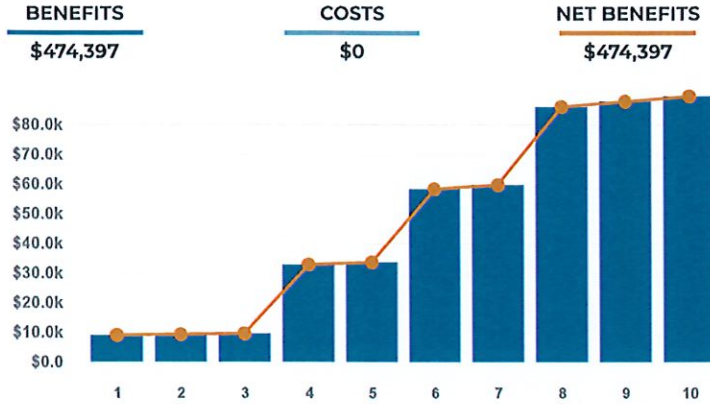
118.5 Total

60.0 Direct
58.5 Spin-off

Business Retention & Expansion

Manufacturing

Kilgore College



60.0 New Jobs @ \$38,444

This summary does not include the impact from the company's current activity including:
155.0 Retained Jobs @ \$37,440

SALARIES



\$39,427 Avg

\$38,444 Direct
\$40,436 Spin-off

CAPITAL INVEST.



\$55.0M

Buildings + FF&E

NET BENEFITS \$474,397

Present Value \$333,327

BENEFITS

Real Property Taxes*	\$372,467
FF&E Property Taxes*	\$26,709
Inventory Property Taxes	\$71,221
New Residential Property Taxes	\$4,000
Benefits Subtotal	\$474,397

COSTS

None Estimated	\$0
Costs Subtotal	\$0

*Above values exclude Property Tax Abatement \$484,008

PROPERTY TAX ANALYSIS

ABATEMENT

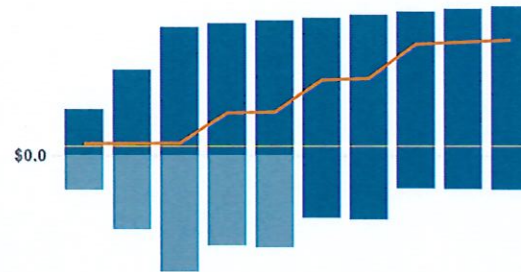
(\$484,008)

PROPERTY TAXES

\$954,405

NET COLLECTIONS

\$470,397



NET BENEFITS OVER 10 YEARS

CITY	\$1,757,890
COUNTY	\$1,309,499
SCHOOL DISTRICT	\$2,678,205
OTHER	\$500,465



Appendix D

Estimated

Company Name: Prospect 2414-Phase I

Computing Tax Abatement without Inventory

*Value of improvements:	\$ 53,000,000.00	divided by \$100 =	\$ 530,000.00	= Tax Base Value of Improvements
Value of Land + PP not abated	\$ 8,694,982.00	divided by \$100 =	\$ 86,949.82	= Tax Base Value of Land + PP base not included
City Tax Rate:	0.5990000	for the year of:	2025	
KISD Tax Rate:	1.3853000			
KC Tax Rate:	0.1750000			
Gregg Co. Tax Rate:				
TOTAL TAX RATE	\$ 2.1593000			

Real	\$ 45,000,000.00	50 Jobs
Personal	\$ 8,000,000.00	
Inventory	\$ -	
*Investment Abated	\$ 53,000,000.00	
Inventory Freeport	\$ -	Acres Cost per Acre
Value of Land Not Abated	\$ 1,400,000.00	70 \$ 20,000.00
	\$ 54,400,000.00	
Base PP not abated	\$ 7,294,982.00	

Year	Schedule 100% Abatement Percentage Rates	City of Kilgore Tax Abatement	City of Kilgore Tax to be Paid	City of Kilgore Tax to be Paid Land+Base PP	Kilgore ISD Tax To be Paid	Kilgore ISD Tax to be Paid Land+Base PP	Kilgore College Tax Abate.	Kilgore College Tax to be Paid	Kilgore College Tax to be Paid Land+Base PP	Gregg County Tax Abatement	Gregg County Tax to be Paid	Gregg County Taxes Paid Land+Base PP	Total Taxes Abated By Year	Total Taxes Paid By Year
1st	1.000	\$ 317,470.00	\$ -	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 92,750.00	\$ -	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 410,220.00	\$ 921,959.75
2nd	1.000	\$ 317,470.00	\$ -	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 92,750.00	\$ -	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 410,220.00	\$ 921,959.75
3rd	1.000	\$ 317,470.00	\$ -	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 92,750.00	\$ -	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 410,220.00	\$ 921,959.75
4th	0.750	\$ 238,102.50	\$ 79,367.50	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 69,562.50	\$ 23,187.50	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 307,665.00	\$ 1,024,514.75
5th	0.750	\$ 238,102.50	\$ 79,367.50	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 69,562.50	\$ 23,187.50	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 307,665.00	\$ 1,024,514.75
6th	0.500	\$ 158,735.00	\$ 158,735.00	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 46,375.00	\$ 46,375.00	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 205,110.00	\$ 1,127,069.75
7th	0.500	\$ 158,735.00	\$ 158,735.00	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 46,375.00	\$ 46,375.00	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 205,110.00	\$ 1,127,069.75
8th	0.250	\$ 79,367.50	\$ 238,102.50	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 23,187.50	\$ 69,562.50	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 102,555.00	\$ 1,229,624.75
9th	0.250	\$ 79,367.50	\$ 238,102.50	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 23,187.50	\$ 69,562.50	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 102,555.00	\$ 1,229,624.75
10th	0.250	\$ 79,367.50	\$ 238,102.50	\$ 52,082.94	\$ 734,209.00	\$ 120,451.59	\$ 23,187.50	\$ 69,562.50	\$ 15,216.22	\$ -	\$ -	\$ -	\$ 102,555.00	\$ 1,229,624.75
		\$ 1,984,187.50	\$ 1,190,512.50	\$ 520,829.42	\$ 7,342,090.00	\$ 1,204,515.86	\$ 579,687.50	\$ 347,812.50	\$ 152,162.19	\$ -	\$ -	\$ -	\$ 2,563,875.00	\$ 10,757,922.46

10 Year Total Taxes Paid: \$ 10,757,922.46
 10 Year Total Abated Taxes: \$ 2,563,875.00

- 100%
- 100%
- 100%
- 75%
- 75%
- 50%
- 50%
- 25%
- 25%
- 25%
- 62.5%

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS & SUPPORT SERVICES
Policy: CDDA Payroll Procedures - Salary Deductions

Summary of LOCAL Policy:

The policy specifies the parameters by which the College District makes deductions from an employee's salary or wages or reduces an employee's wages in accordance with law or salary reduction agreements executed between the College District and its employees. In addition to legally required deductions, the policy specifies the Board's authority to permit voluntary employee salary or wage reductions related to approved insurance programs, annuities/deferred compensation programs, the College's cafeteria plan options authorized by the Internal Revenue Service, area credit unions as specified in administrative procedures, and charitable donations as approved by the Board.

Procedures:

The CDDA Administrative Rule outlines the procedures surrounding salary deductions.

Generally, the Business Office is responsible for performing the salary deductions in compliance with Federal and State laws, and as agreed upon for voluntary deductions.

The Business Office and Human Resources ensure continued compliance with applicable laws and regulations surrounding salary deductions.

Human Resources reviews, recommends, and manages the voluntary deduction programs and communicates to the employees how and when to enroll in authorized programs.

The Board may authorize participation in the state employee charitable contribution program or other programs recommended by Human Resources.

PAYROLL PROCEDURES
SALARY DEDUCTIONSCDDA
(LEGAL)**Income Tax**

Except as otherwise provided in 26 U.S.C. 3402, every employer making payment of wages shall deduct and withhold upon such wages an income tax determined in accordance with tables or computational procedures prescribed by the Secretary of the Treasury. *26 U.S.C. 3401–3402*

Medicare Tax

The tax imposed by 26 U.S.C. 3101 shall be collected by the employer of the taxpayer hired after March 31, 1986, by deducting the amount of the tax from the wages as and when paid as required by law. *26 U.S.C. 3102(a), 3121(u)*

Retirement

Each payroll period, each employer shall deduct from the compensation of each member employed by the employer the amount required by Government Code 825.402. *Gov't Code 825.403*

Each employer shall pick up the employee contribution required of each of its employees by Government Code 825.403. An employer shall pick up these contributions by a corresponding reduction in the cash salary of the employees, by an offset against a future salary increase, or by a combination of salary reduction and offset against a future salary increase.

"Employee" means a person who is employed, as determined by the Teacher Retirement System of Texas, on other than a temporary basis by a single employer for at least one-half time at a regular rate of pay comparable to that of other persons employed in similar positions.

Gov't Code 821.001(6), 825.409(a); Atty. Gen. Op. JH-871 (1976)

Optional Retirement Program

A participant in the optional retirement program and the employing institution of higher education acting through its governing board shall execute an agreement under which the salary of the participant is reduced by the amount of the contribution required under Government Code 830.201 in accordance with Government Code 830.204. *Gov't Code 830.204*

Child Support Payments

In accordance with Family Code Chapter 158, an employer shall begin to withhold income in accordance with an order or writ of withholding issued under Chapter 158 not later than the first pay period following the date on which the order or writ was delivered to the employer and shall continue to withhold income as required by the order or writ as long as the obligor is employed by the employer. The employer shall remit the amount to be withheld to the person or office named in the order or writ on each pay date.

An employer may deduct an administrative fee of not more than \$10 each month from the obligor's disposable earnings in addition to the amount withheld as child support.

Family Code 158.202–.204

**Spousal
Maintenance**

An order or writ of withholding issued under Family Code Chapter 8 for spousal maintenance and delivered to an employer doing business in this state is binding on the employer without regard to whether the obligor resides or works outside this state. In accordance with Chapter 8, the employer shall remit to the person or office named in the order or writ of withholding the amount of income withheld from an obligor on each pay date.

An employer may deduct an administrative fee of not more than \$5 each month from the obligor's disposable earnings in addition to the amount withheld as spousal maintenance.

Family Code 8.107, .203-.204

Social Security

An employer shall deduct from the salaries of designated employees the amount of Social Security tax required by federal law. *26 U.S.C. 3101-3102, 3121(b)(7); 26 C.F.R. 31.3121(b)(7)-2*

**Federal Education
Loans**

An employer shall pay to the U.S. Secretary of Education, the Texas Guaranteed Student Loan Corporation, or any other guaranty agency for federal education loans as directed in the withholding order issued in an action to recover delinquent federal education loan payments. *20 U.S.C. 1095a(a)(6)*

**Prepaid Higher
Education Tuition
Program**

An employee of a political subdivision of the state, including a college district, may make payments under a prepaid tuition contract by payroll deductions made by the appropriate officer of the political subdivision. *Education Code 54.626(c)*

**Higher Education
Savings Plan**

An employee of a political subdivision of the state, including a college district, may make contributions to a higher education savings trust account established under the higher education savings plan by payroll deductions made by the appropriate officer of the state or political subdivision. *Education Code 54.708(a)*

**English Proficiency
Course**

The cost of such English proficiency course offered under Education Code 51.917 will be deducted from said faculty member's salary. *Education Code 51.917*

**Parking Fees and
Permits**

An employee of an institution of higher education, including a college district, may authorize in writing a reduction each pay period from the employee's salary or wage payment for the payment of any fee or charge for parking, a parking permit, a transportation pass, or other qualified transportation benefit authorized under Section 132(f), Internal Revenue Code of 1986, as amended. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(a)*

**Club and
Recreational Fees**

An employee of an institution of higher education, including a college district, may authorize in writing a deduction each pay period

from the employee's salary or wage payment for the payment of any fee or charge for parking or for a club membership, recreational sports membership, or similar activity or program. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(b)*

Status of Deduction

If so designated by the employing institution of higher education, a salary deduction made by an employee under Government Code Chapter 659, Subchapter J, shall be considered compensation under Government Code Chapter 659 and salary and wages and member compensation under Government Code Title 8.

If authorized by federal law, a salary deduction or salary reduction under Government Code Chapter 659, Subchapter J, may be made on a pretax basis.

Gov't Code 659.205

Credit Unions

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to a credit union to be credited to a share or deposit account of the employee. The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G. *Gov't Code 659.103*

**Employee
Membership
Organizations**

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to an eligible state employee organization of a membership fee in the organization. "Eligible state employee organization" means a state employee organization with a membership of at least 2,000 active or retired state employees who hold or who have held certification from the Texas Commission on Law Enforcement.

The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G, and 34 Administrative Code 5.46.

Gov't Code 659.1031; 34 TAC 5.46

**Charitable
Contributions**

For purposes of Government Code Chapter 659, Subchapter H, a public junior college is considered to be an institution of higher education and employees of the public junior college are considered to be state employees during a state fiscal year unless an affirmative decision not to participate in the state employee charitable contribution program is made by the governing board of the public junior college not later than April 1 of the preceding state fiscal year. An employee of a public junior college that elects not to participate in the state employee charitable contribution program may authorize a deduction from the employee's salary or wage payment

for a charitable contribution as provided by the policy of the governing board of the public junior college. *Gov't Code 659.1311*

**Charitable
Contributions to
Institution of Higher
Education**

An employee of an institution of higher education, including a college district, may authorize a deduction each pay period from the employee's salary or wage payment for a contribution to an institution of higher education or a charitable contribution to a nonprofit organization the purpose of which is to support the programs of an institution of higher education.

To be eligible to receive charitable contributions, a nonprofit organization must comply with the rules adopted under Government Code 2255.001 by the institution of higher education the organization supports. An institution of higher education shall establish procedures to enable an employee of the institution to authorize a deduction under this section.

Education Code 51.947

Assignments

An employee's assignment, pledge, or transfer, as security for indebtedness, of any interest in or part of the employee's salary or wages then due or that may become due under an existing contract of employment is enforceable only if, before or at the time of execution, delivery, or acceptance of an assignment, pledge, or transfer, written approval is obtained in accordance with the policy of the employing institution; and to the extent that the indebtedness it secures is a valid and enforceable obligation.

An institution of higher education shall honor an assignment, pledge, or transfer fulfilling the conditions of Education Code 51.934(b) without incurring any liability to the employee executing the assignment, pledge, or transfer. Payment to any assignee, pledgee, or transferee in accordance with the terms of the instrument is payment to or for the account of the assignor, pledgor, or transferor. An assignment, pledge, or transfer is enforceable only to the extent of salary due or that may become due during continuation of the assignor's employment as an employee of the institution.

Education Code 51.934; Atty. Gen. Op. GM-3474 (1941)

**Deferred
Compensation**

The governing board of a state-supported institution of higher education, including a college district, may reduce the salary of participants in approved deferred compensation and annuity programs 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 develop a system to allow or require participants to electronically authorize

participation under Revised Civil Statutes Article 6228a-5, purchases of annuity contracts, and contributions to investments. [See CKC] *Rev. Civ. Stat. Art. 6228a-5, Sec. 2(b); Gov't Code Chapter 609*

Cafeteria Plans

An employer shall withhold from an employee's salary the amount designated by an employee for participation in the college district's cafeteria plan authorized under 26 U.S.C 125. *26 U.S.C. 125*

Public Purpose and Employee Benefit

The governing board of an institution of higher education, including a college district, that is not a component institution of a university system may authorize employees of the institution to elect a payroll deduction for any purpose that the governing board determines serves a public purpose and benefits employees. The board may adopt policies and procedures governing payroll deductions under this section. A payroll deduction under this section is in addition to payroll deductions authorized by other law.

The payroll deduction must be at the written request of the employee, and the request must state the amount to be deducted and the entity to which the deducted amount is to be transferred. A payroll deduction is in effect until revoked in writing by the employee, but the policies and procedures of the institution of higher education may provide for enrollment periods.

An institution of higher education may collect an administrative fee to cover the costs of making a deduction.

This section does not authorize a payroll deduction for dues or membership fees payable to a labor union or employees' association.

Education Code 51.9611

Administrative Fee for Required Deductions

An employer who is required by state or federal law to deduct from the current wages of an employee an amount garnished under a withholding order may deduct monthly an administrative fee from the employee's disposable earnings in addition to the amount required to be withheld under the withholding order. This section does not apply to income withholding under Family Code Chapter 158.

The administrative fee may not exceed the lesser of:

1. The actual administrative cost incurred by the employer in complying with the withholding order; or
2. \$10.

Civ. Prac. and Rem. Code 63.006(a)-(b)

PAYROLL PROCEDURES
SALARY DEDUCTIONS

CDDA
(LOCAL)

The College District shall make deductions from an employee's salary or wages or shall reduce an employee's wages in accordance with law or salary reduction agreements executed between the College District and its employees.

**State Employee
Charitable
Contribution
Program**

By April 1 of each year, the Board shall decide whether to participate in the state employee charitable contribution (SECC) program for the following fiscal year.

Additional Amounts

In addition to legally required deductions, the Board has determined it to serve a public purpose and benefit employees to permit voluntary deductions for:

1. Approved insurance programs;
2. Annuities/deferred compensation programs;
3. College District cafeteria plan options authorized by the Internal Revenue Service;
4. Area credit unions as specified in administrative procedures; and
5. Charitable organizations as approved by the Board. If the Board participates in the SECC program, an employee may choose not to participate in the program and may authorize a deduction(s) for charitable organizations approved by the Board.

To qualify for a deduction listed above, the employee must submit a request in writing, specifying the category of the deduction, the amount to be deducted, and the entity to which the deducted amount is to be transferred, in accordance with administrative procedures. The procedures must address:

1. Enrollment periods, if any; and
2. Any administrative fee to cover the cost of making a deduction.

Excess Leave

Deductions shall be made for unauthorized leave or leave taken in excess of earned leave. [See DEC]

Administrative Rule

Rule: Salary Deductions
TASB Policy: CDDA – Salary Deductions
Effective Date: September 11, 2023



I. Purpose and Scope

Ensuring compliance with Federal Regulations and State Statutes surrounding salary deductions.

II. Scope

This policy applies salary deductions conducted through Kilgore College's payroll.

III. Procedures

Generally:

Kilgore College Payroll staff will make deductions/reductions from an employee's salary or wages in accordance with Federal & State law or salary reduction agreements between KC and its employee.

- The Kilgore College Business Office and Human Resources will ensure continued monitoring of laws and regulations to ensure compliance with any changes.
- KC Human Resources will review, monitor, and recommend participation in the state employee charitable contribution program, or to permit/continue voluntary deductions for:
 - Approved insurance programs
 - Annuities/deferred compensation programs
 - College cafeteria plan options authorized by the Internal Revenue Service
 - Area credit unions

Kilgore College is authorized to make deductions for unauthorized leave or leave taken in excess of earned leave.

Board Action

The Kilgore College Board of Trustees will consider the recommendation from Human Resources and determine by April 1 of each year if Kilgore College will participate in the state employee charitable contribution program for the following fiscal year.

The Board may also consider the recommendations from Human Resources for any other charitable organization for employee deductions and adopt enrollment periods for the deductions.

Employee selections of approved voluntary deductions

For a KC Employee to participate in a voluntary deduction:

- The employee must submit the request based on requirements of each program during the allowed enrollment periods for each program. Generally the request consists of:
 - The willingness to participate
 - The organization they are participating with (if multiple options are available)

- The amount of the deduction or the level of the program (includes associated cost)
- Human Resources manages the enrollment process for voluntary deductions and will provide to employees during orientation and open enrollment information related to benefit enrollment processes and periods.

Administrative Fees

Kilgore College does not charge any administrative fees for salary deductions.

The Board may consider recommendations from the Business Office to set any rates for administrative fees in connection with salary deductions.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CDE Financial Ethics

Summary of LOCAL Policy:

The policy specifies that all persons who are involved in the College's financial transactions shall act with integrity and diligence in duties involving the College District's financial resources. Emphasis is given to policy regulation and administrative oversight for Code of Ethics, financial conflicts of interest and gifts and gratuities regarding federal funds, compliance with state and federal grant and award requirements, systems for monitoring the College's investment program, budget planning and evaluation, compliance with accounting regulations, criminal history record information for employees, and disciplinary action for fraud by employees.

Procedures:

The college will establish internal controls over financial processes.

Employees are to report suspicion of fraud to supervisors, human resources or executive leadership.

Appropriate staff will investigate the reported activity and the information gleaned from the investigation will be reviewed by appropriate college leadership. In validated cases, appropriate actions will be taken as well as referred and reported to appropriate authorities.

After discovery of validated cases, internal controls will be reviewed and improved and new procedures established and reported to the board.

All Board members, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the College District's financial transactions shall act with integrity and diligence in duties involving the College District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
 - for Board members—BBF
 - for employees—DH
 - Financial conflicts of interest:
 - for public officials—BBFA
 - for all employees—DBD
 - for vendors—CFE
 - Compliance with state and federal grant and award requirements: CAA, CAAB
 - Financial conflicts and gifts and gratuities regarding federal funds: CAA, CAAB
 - Systems for monitoring the College District's investment program: CAK
 - Budget planning and evaluation: CC
 - Compliance with accounting regulations: CDC
 - Criminal history record information for employees: DC
 - Disciplinary action for fraud by employees: DCC and DM series
-

Fraud and Financial Impropriety

The College District prohibits fraud and financial impropriety, as defined below, in the actions of its Board members, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the College District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the College District.

2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other College District assets, including employee time.
4. Impropriety in the handling of money or reporting of College District financial transactions.
5. Profiteering as a result of insider knowledge of College District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the College District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the College District, except as otherwise permitted by law or College District policy. [See DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failing to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or College District policy.
12. Any other dishonest act regarding the finances of the College District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares College District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The College President or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the College District.

Reports

Any person who suspects fraud or financial impropriety in the College District shall report the suspicions immediately to a person with authority to investigate them, including any supervisor, the

College President or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

*Protection from
Retaliation*

Neither the Board nor any College District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the College President, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the College President or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the College President or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the College District shall take appropriate action, which may include cancellation of the College District's relationship with the contractor or vendor.

When circumstances warrant, the Board, College President, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the College District, the College District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards
Disclosure

The College District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CAAB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the College President or designee shall analyze condi-

tions or factors that may have contributed to the fraudulent or improper activity. The College President or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

Administrative Rule

Rule: Financial Ethics
TASB Policy: CDE – Financial Ethics
Effective Date: September 11, 2023



I. Purpose and Scope

Ensuring all involved parties in the College District’s financial transactions, ranging from Board members to consultants and volunteers, must exhibit integrity and diligence in their roles concerning the College District’s fiscal resources.

The College District bans all forms of fraud and financial impropriety. This encompasses actions like forgery, misappropriation of assets, insider profiteering, unauthorized disclosure of confidential information, and failure to disclose conflicts of interest, among others.

Employees responsible for financial reports or transactions are expected to demonstrate ethical behavior and oversee their areas for potential fraud.

II. Procedures

1. **Internal Controls:** A system of internal controls is maintained by the College President through various department oversight to deter and monitor fraudulent actions. The internal controls are maintained by the department. The primary financial internal controls are established and maintained by the Business Office and Vice President of Administrative Services and Chief Financial Officer.
2. **Reporting:** Any suspicion of fraud must be immediately reported to a person with investigative authority. Including but not limited to:
 - a. supervisors
 - b. vice presidents
 - c. human resources
 - d. President

Confidentiality of such reports is to be maintained, barring necessary disclosures for thorough investigation.

Protection from Retaliation: There's a strict no-retaliation policy against anyone reporting fraud or financial impropriety in good faith.

3. **Investigation and Response:** Reports of fraud are to be swiftly investigated by relevant and appropriate authorities at the College. Summaries of the investigations will be reviewed by appropriate college leadership. In validated cases, disciplinary action will be taken against employees, and relationships with vendors or contractors may be terminated. Matters might also be referred to legal entities if deemed necessary. For activities potentially affecting a federal grant award, violations involving fraud or related offenses must be disclosed promptly to the awarding federal agency.

4. **Post-Investigation Analysis:** After substantiating any fraudulent activity, a comprehensive analysis will be undertaken to understand contributing factors. To deter future misconduct, changes to internal controls and appropriate administrative procedures will be implemented and presented for Board review.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS AND SUPPORT SERVICES
Policy: CF Purchasing and Acquisition

Summary of LOCAL Policy:

The policy specifies the authority given the College President to make budgeted purchases for goods or services on behalf of the College District. Purchasing procedures and associated methods are outlined in the policy. Any consideration of purchases not budgeted shall be presented to the Board by the College President for consideration.

Procedures:

The Business Office Procurement Services (BOPS) develops and maintains procedures for purchasing and accounts payable. The procedures are established to ensure compliance with state requirements. The procedures are available to staff through the BOPS website.

The BOPS provides periodic training on the procedures to ensure compliance throughout the college.

Items not included in the budget but needing to be purchased are brought to the board for approval through a budget amendment. The budget amendments are to be adopted prior to purchase.

PURCHASING AND ACQUISITION

CF
(LEGAL)**Applicable Law**

The provisions of Education Code Chapter 44, Subchapter B, relating to the purchase of goods and services under contract by a school district apply to the purchase of goods and services under contract by a junior college district.

To the extent of any conflict, the provisions of Chapter 44, Subchapter B, prevail over any other law relating to the purchase of goods and services by a junior college district.

Education Code 44.0311(a), 130.010

Exception

Education Code Chapter 44, Subchapter B, does not apply to a purchase, acquisition, or license of library goods and services for a library operated as a part of a junior college district. "Library goods and services" has the meaning assigned by Education Code 130.0101(a). [See EDAA] *Education Code 44.0311(c)*

Note: For information on purchases using federal funds, see CAAB.

Board Authority

The board of trustees of the district may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

Delegation of
Authority

The board of trustees of the district may, as appropriate, delegate its authority under Education Code Chapter 44, Subchapter B, regarding an action authorized or required by Chapter 44, Subchapter B, to be taken by a college district to a designated person, representative, or committee.

The board may not delegate the authority to act regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by the board.

Education Code 44.0312(a)–(b)

*Disaster
Exception*

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a college district, the board of trustees of the district may delegate to the college chief executive officer or designated person the authority to contract for the replacement, construction, or repair of college district equipment or facilities under Education Code Chapter 44, Subchapter B, if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

Education Code 44.0312(c)

**Contract with
Another Agency**

Except as provided by Government Code 771.003, an agency, including a junior college district, may agree or contract with another

agency for the provision of necessary and authorized services and resources. *Gov't Code 771.003(a)*

**Purchases Valued at
or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all college district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the district:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals, for services other than construction services.
4. An interlocal contract.
5. The reverse auction procedure as defined by Government Code 2155.062(d).
6. The formation of a political subdivision corporation under Local Government Code 304.001.

Education Code 44.031(a)

Note: Regarding construction of school facilities, see CM generally; CMA for competitive bidding; CMB for competitive sealed proposals; CMC and CMD for contracts using a construction manager; CME for design/build contracts; and CMF for job-order contracts for minor repairs/alterations.

Regarding notice to the Legislative Budget Board (LBB) about contracts, see GGC.

Factors

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.

4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a college district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153.

Education Code 44.031(b-1)

The factors listed above are the only criteria that may be considered by the college district in its decision to award a contract. The college district may apply one, some, or all of the criteria, but it may not completely ignore them. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).

Out-of-State Bidder

A governmental entity, including a college district, may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

This requirement does not apply to a contract involving federal funds. A governmental entity shall use the information published by the comptroller in the Texas Register in evaluating the bids of a nonresident bidder.

Gov't Code 2252.001-.004

**Contracts Valued at
or Above \$1 Million**

This section applies to an entity that is not a governmental body that executes a contract with a governmental body that:

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

Gov't Code 552.371(a)

**Contract
Requirements**

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the governmental body for the duration of the contract;
2. Promptly provide to the governmental body any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body; and
3. On completion of the contract, either:
 - a. Provide at no cost to the governmental body all contracting information related to the contract that is in the custody or possession of the entity; or
 - b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the governmental body.

Gov't Code 552.372(a)

**Acknowledgement
of PIA
Requirements**

Unless Government Code 552.374(c) applies, a bid for a contract described above and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include "bid" or "contract" as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter." *Gov't Code 552.372(b)*

Bid Acceptance and Contract Award Prohibited A governmental body may not accept a bid for a contract described by Government Code 552.371 or award the contract to an entity that the governmental body has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J, in a previous bid or contract described by that section unless the governmental body determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of Subchapter J. *Gov't Code 552.372(c)*

Termination of Contract A governmental body may terminate a contract described above if:

1. The governmental body provides notice under Government Code 552.373 to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the period prescribed by Government Code 552.373;
3. The governmental body determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Subchapter J; and
4. The governmental body determines that the entity has not taken adequate steps to ensure future compliance with the requirements of Subchapter J. An entity has taken adequate steps to ensure future compliance with Subchapter J if the entity produces contracting information requested by the governmental body that is in the custody or possession of the entity not later than the tenth business day after the date the governmental body makes the request and the entity establishes a records management program to enable the entity to comply with Subchapter J.

Gov't Code 552.374(a)–(b)

Exception A governmental body may not terminate a contract under this section if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the contract's proceeds are used to pay debt service of a public security or loan. *Gov't Code 552.374(c)*

Contract with Person Indebted to College District The board of trustees of a college district by resolution may establish regulations permitting the college district to refuse to enter into a contract or other transaction with a person indebted to the college district. It is not a violation of Education Code Chapter 44, Subchapter B, for a college district, under the adopted regulations, to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the college district.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with the college district requiring approval by the board.

Education Code 44.044

Contracts Prohibited

Scrutinized
Companies

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

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

Gov't Code 2252.001(3), .152

Companies that
Boycott Israel

This section applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

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

"Boycott Israel" has the meaning assigned by Government Code 808.001.

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

Gov't Code 2271.001(1)–(2), .002

Companies that
Boycott Energy
Companies

This section applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written

verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

"Boycott energy company" has the meaning assigned by Government Code 809.001.

"Company" has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov't Code 2274.001(1)–(2), .002(a)–(b)

Exception

The above section does not apply to a governmental entity that determines the requirements of that section are inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.
Gov't Code 2274.002(c)

Companies that
Discriminate
Against a Firearm
Entity or Firearm
Trade Association

This section applies only to a contract that:

1. Is between a governmental entity and a company with at least ten full-time employees; and
2. Has a value of at least \$100,000 that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Gov't Code 2274.002(a)–(b)

Definition

"Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

1. Refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
2. Refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or
3. Terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.

The term does not include:

1. The established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
2. A company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
 - a. To comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
 - b. For any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

Gov't Code 2274.001(3)

Exceptions

The above prohibition does not apply to a governmental entity that contracts with a sole-source provider or does not receive any bids from a company that is able to provide the written verification required by that section.

The above prohibition does not apply to a contract entered into in connection with or relating to the issuance, sale, or delivery of notes under Government Code Chapter 404, Subchapter H, or the administration of matters related to the notes, including the investment of note proceeds, as provided by Government Code 2274.003.

Gov't Code 2274.002(c), .003

Contracts with
Foreign-Owned
Companies

A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company:

1. If, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes; and
2. If the governmental entity knows that the company is:
 - a. Owned by or the majority of stock or other ownership interest of the company is held or controlled by:
 - (1) Individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or

(2) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

b. Headquartered in China, Iran, North Korea, Russia, or a designated country.

"Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

"Critical infrastructure" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

"Designated country" means a country designated by the governor as a threat to critical infrastructure under Government Code 2274.0103.

Gov't Code 2274.0101(1), (2), (4), .0102(a)

Required Disclosures

Disclosure of Interested Parties

A governmental entity or state agency, including a college district, 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*

Disclosures by Purchasing Personnel

Before a state agency, including a college district, may award a major contract, a contract that has a value of at least \$1 million, for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds \$25,000, or other owner of the business entity who is within a degree described by Government Code 573.002, the

third degree by consanguinity or within the second degree by affinity of the purchasing employee. The state auditor shall develop a form for use in reporting a specified relationship.

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

Gov't Code 2262.001(4), .004

*Notice
Publication*

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

Electronic Bids or Proposals

A college district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board of trustees of the college district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

An electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

Professional Services

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent.

The college district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

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

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, a registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002, .003(a) [See also CM]

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

Certain Medical
Services

If a governmental entity is procuring services provided in connection with the professional employment or practice of a physician, including a surgeon, or an optometrist or registered nurse and the number of contracts to be awarded under this section is not otherwise limited, the governmental entity may make the selection and award on the basis of:

1. The provider's agreement to payment of a set fee, as a range or lump-sum amount; and
2. The provider's affirmation and the governmental entity's verification that the provider has the necessary occupational licenses and experience.

Gov't Code 2254.008(a)

PURCHASING AND ACQUISITION

CF
(LEGAL)

Professional Services Contract Exceeding \$50,000	A state agency, including a college district and other institutions of higher education, shall provide written notice to the LBB of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000. The notice must be on a form prescribed by the LBB and filed not later than the 30th day after the date the agency enters into the contract. <i>Gov't Code 2254.006</i>
Contingent Fee Contracts for Legal Services	Government Code Chapter 2254, Subchapter C, provisions applicable to a state governmental entity and a political subdivision apply to a contingent fee contract for legal services entered into by a college district. <i>Gov't Code 2254.102(a)</i>
Exceptions	Subchapter C does not apply to a contract for legal services entered into by a political subdivision for the collection of an obligation that is delinquent or for services under Government Code 1201.027, except that Government Code 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract. "Obligation" includes a debt, judgment, claim, account, fee, fine, tax, penalty, interest, loan, charge, or grant. <i>Gov't Code 2107.001(1), 2254.102(e)</i>
Emergency Damage or Destruction	If school equipment, a school facility, or a portion of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. <i>Education Code 44.031(h)</i>
Computers and Computer-Related Equipment	A college district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. <i>Education Code 44.031(i)</i>
Purchasing Through DIR	
Purchase Using Competitive Bidding	Each institution of higher education, including each college district, that solicits bids or proposals from the public for the purchase and/or lease of computer equipment must do so in accordance with applicable rules adopted by the comptroller pertaining to competitive bidding or competitive sealed proposals. <i>1 TAC 217.30(c)</i>
<i>Required Certification</i>	A public solicitation for the purchase or lease of computer equipment issued by an institution of higher education is required to contain the certification to be completed by bidders, in accordance with 1 Administrative Code 217.30. Failure of a bidder to provide this

certification shall render the bidder ineligible to participate in the bidding. The institution of higher education shall reject the related bid and not evaluate it. *1 TAC 217.30(a)–(b)*

*Special
Preference*

All institutions of higher education shall include in all bids for the purchase or lease of computer equipment a special preference for all manufacturers that have a program to recycle the computer equipment of other manufacturers, which program includes collection events and manufacturer initiatives to accept computer equipment labeled with another manufacturer's brand. The preference may take the form of extra evaluation points or be the tie-breaking factor among equal bids. *1 TAC 217.31*

*Computer
Equipment*

“Computer equipment” is defined as a desktop or notebook computer and includes a computer monitor or other display device that does not contain a tuner. *1 TAC 217.1(1)*

**Cloud Computing
Services**

A state agency, including a college district, shall require each vendor contracting with the agency to provide cloud computing services for the agency to comply with the requirements of the state risk and authorization management program as provided by Government Code 2054.0593. DIR shall evaluate vendors to determine whether a vendor qualifies for a certification issued by DIR reflecting compliance with program requirements.

A state agency may not enter or renew a contract with a vendor to purchase cloud computing services for the agency that are subject to the state risk and authorization management program unless the vendor demonstrates compliance with program requirements.

A state agency shall require a vendor contracting with the agency to provide cloud computing services for the agency that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

In this section, “cloud computing service” has the meaning assigned by Government Code 2157.007.

Gov't Code 2054.0593(a), (d)–(f)

**Data Security
Controls for Vendors**

Each state agency, including a college district, entering into or renewing a contract with a vendor authorized to access, transmit, use, or store data for the agency shall include a provision in the contract requiring the vendor to meet the security controls the agency determines are proportionate with the agency's risk under the contract based on the sensitivity of the agency's data. The vendor must periodically provide to the agency evidence that the vendor meets the security controls required under the contract. *Gov't Code 2054.138*

Automated Information System

A local government, including a college district, shall purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A local government that purchases an item using a method listed above satisfies any state law requiring the local government to seek competitive bids for the purchase of the item. [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.] *Gov't Code 2157.006; 34 TAC 20.222*

Sole Source

Without complying with Education Code 44.031(a), a college district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The sole source exception does not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

Education Code 44.031(j)–(k)

Insurance

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031. *Education Code 44.031; Atty. Gen. Op. DM-347 (1995)*

Multiyear Contracts

The college district may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at Commitment of Current Revenue, below. If the college district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the college district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

Competitive Bidding

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a college district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A college district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted

to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Factors, above].

Except as provided below, Local Government Code Chapter 271, Subchapter B, does not apply to a competitive bidding process under this policy.

Education Code 44.0351

Opening Bids

Bids may be opened only by the governing body of the governmental entity at a public meeting or by an officer or employee of the governmental entity at or in an office of the governmental entity. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price.

The governmental entity is entitled to reject any and all bids.

Local Gov't Code 271.026-.027(a)

Safety Record

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

1. The governing body of the governmental entity has adopted a written definition and criteria for accurately determining the safety record of a bidder.
2. The governing body has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

Identical Bids

If a district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the governing body of the district shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the district, the district must select that bidder. If two or more of the bidders submitting identical bids are residents of the district, the district must select one of those bidders by the casting of lots. In all other cases, the district must select from the identical bids by the casting of lots.

The casting of lots must be in a manner prescribed by the governing body of the district and must be conducted in the presence of the governing body of the district. All qualified bidders or their legal representatives may be present at the casting of lots.

This section does not prohibit a district from rejecting all bids.

Local Gov't Code 271.901

Competitive Sealed Proposals

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a college district shall follow the procedures prescribed below. *Education Code 44.0352(a)*

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror. *Education Code 44.0352(b)*

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria. *Education Code 44.0352(c)*

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected. *Education Code 44.0352(d)*

Best Value Determination

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. *Education Code 44.0352(e)*

Interlocal Agreements

A local government, including a college district, may contract or agree with another local government or with the state or a state agency, including the comptroller, 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, such as to

purchase goods and services, in accordance with Government Code Chapter 791. *Gov't Code 791.001, .011, .025*

An interlocal contract must be authorized by the governing body of each party to the contract; must state the purpose, terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may have a specified term of years. An interlocal contract may be renewed.

Gov't Code 791.011(d)–(f), (i)

A local government, including a council of governments, may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel.

A local government that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b)–(c); Atty. Gen. Op. JC-37(1999)

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

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

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

Gov't Code 791.011(j)

State Purchasing Program

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible;
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government; and
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

Local Gov't Code 271.082

College District Requirements

A local government may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the governing body of the local government requesting that the local government be allowed to participate on a voluntary basis, to the extent the comptroller deems feasible, and stating that the local government shall:

1. Designate an official to act for the local government in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the governing body will direct the decisions of the representative;
2. Be responsible for:
 - a. Submitting requisitions to the comptroller under any contract; or
 - b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase and electronically sending to the comptroller reports on actual purchases made under this paragraph that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor; and
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A local government that purchases an item under a state contract or under a reverse auction procedure sponsored by the comptroller satisfies any state law requiring the local government to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

**Multiple Award
Contract Schedule**

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government, including the federal General Services Administration, or any other governmental entity in any state.

A local government may purchase goods or services directly from a vendor under a contract listed on a schedule. A state agency or local government contracting for the purchase of an automated information system under a contract listed on a schedule developed under this Government Code Chapter 2155, Subchapter I, shall comply with Government Code 2157.068(e-1). An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A local government may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155.502, .504

**Cooperative
Purchasing Program**

A local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A local government that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative stating that the signing local government will:

1. Designate a person to act under the direction of, and on behalf of, that local government in all matters relating to the program;
2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under Local Government Code Chapter 271, Subchapter F, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance with provisions relating to the quality of items and terms of delivery, to the ex-

tent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

A local government that purchases goods or services under Local Government Code Chapter 271, Subchapter F, satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

Contract-Related Fee Report

A college district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5), under Local Government Code Chapter 271, Subchapter F, or under any other cooperative purchasing program authorized for college districts by law shall document a contract-related fee, including a management fee, paid by or to the college district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board of trustees of the college district. The written report must appear as an agenda item.

Education Code 44.0331

Reverse Auction

A local government that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the local government and fair to vendors. *Local Gov't Code 271.906(b)*

“Reverse auction procedure” means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

Commitment of Current Revenue

If a contract for the acquisition, including lease, of real or personal property retains to the governing body of a local government the continuing right to terminate the contract at the expiration of each

budget period of the local government during the term of the contract, is conditioned on a best efforts attempt by the governing body to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of the local government's current revenues only. *Local Gov't Code 271.903*

Change Orders

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

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

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

Education Code 44.0411

Energy or Water Conservation Measures

The governing board of an institution of higher education may enter into an energy savings performance contract in accordance with Education Code 51.927. An energy savings performance contract shall be let according to the procedures established for procuring certain professional services by Government Code 2254.004. *Education Code 51.927(b), (i)*

[See policy CH for legal requirements pertaining to such contracts]

Recycled Products

A junior or community college district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *Health and Safety Code 361.426; 30 TAC 328.201, .203*

Exception

A college district may request additional consideration from the Texas Commission on Environmental Quality (TCEQ) if compliance with this section would create a hardship. "Hardship" means a circumstance that causes unreasonable burden on the college district. *Health and Safety Code 361.426(d); 30 TAC 328.201, .204(c)*

Agricultural Products

A college district that purchases agricultural products shall give preference to those produced, processed, or grown in this state if the cost to the college district is equal and the quality is equal. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If agricultural products produced, processed, or grown in this state are not equal in cost and quality to other products, the college district shall give preference to agricultural products produced, processed, or grown in other states of the United States over foreign products if the cost to the college district is equal and the quality is equal.

A college district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in this state.

Education Code 44.042(a)–(b), (f), (g)(1)

Vegetation for Landscaping

A college district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the college district is equal and the quality is not inferior. *Education Code 44.042(c)*

Dairy Products

A political subdivision, including a college district, may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items, that has been imported from outside the United States. The restriction does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health and Safety Code 435.021*

Imported Beef

A political subdivision, including a college district, may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012(a)*

Commodity Items

Subject to Government Code 418.193, a public safety entity, as defined by 47 U.S.C. 1401, may purchase commodity items through DIR, and be charged a reasonable administrative fee, as provided by Government Code 2157.068. *Gov't Code 2157.068(j)*

Criminal History

A person or business entity, with the exception of a publicly held corporation, that enters into a contract with a college district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A college district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business

entity for services performed before the termination of the contract.
Education Code 44.034

Right to Work

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement, a college district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

Impermissible Practices

An officer, employee, or agent of a college district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b) or otherwise violates Section 44.031(a) or (b). An officer or employee of a college district commits an offense if the officer or employee knowingly violates Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase. "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

Education Code 44.032(a)-(d) [See BBC]

Injunction

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, a district attorney, a criminal district attorney, a citizen of the county in which the college district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

PURCHASING AND ACQUISITION

CF
(LOCAL)

Purchasing Authority	The Board delegates to the College President or designee the authority to make budgeted purchases for goods and services. Any purchases not included in the budget shall be taken to the Board for approval.
Emergency Exception	In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The College President shall report to the Board at the next regular meeting any contract made under this authority.
Purchasing Procedures	The College President shall develop purchasing procedures to implement the requirements of state and federal law. [See CAA, CAAB, and CH(LEGAL)]
Purchasing Method	The Board delegates to the College President or designee the authority to determine the method of purchasing in accordance with state and federal law.
Competitive Bidding	<p>If competitive bidding is chosen as the purchasing method, the College President or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.</p> <p>The College District may reject any and all bids.</p>
Competitive Sealed Proposals	<p>If competitive sealed proposals are chosen as the purchasing method, the College President or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.</p> <p>The College District may reject any and all proposals.</p>

<p>Electronic Bids or Proposals</p>	<p>Bids or proposals that the College District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.</p>
<p>Responsibility for Debts</p>	<p>The Board shall assume responsibility for debts incurred in the name of the College District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the College District's purchasing procedures. [See CC] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.</p>
<p>Purchase Commitments</p>	<p>All purchase commitments shall be made by the College President or designee, in accordance with administrative procedures, including the College District's purchasing procedures.</p>
<p>Personal Purchases</p>	<p>College District employees shall not be permitted to make purchases for personal use through the College District's business office.</p>
<p>Delinquent Franchise Taxes</p>	<p>Each corporation contracting with the College District shall certify that its franchise taxes are current. If the corporation is exempt from payment of franchise taxes or is an out-of-state corporation not subject to Texas franchise tax, it shall certify a statement to that effect. Making a false statement as to corporate franchise tax status shall be considered a material breach of the contract and shall be grounds for cancellation of the contract.</p>

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS & SUPPORT SERVICES

Policy: CKD Insurance & Annuities Management – Health & Life Insurance

Summary of LOCAL Policy:

The policy specifies the contributions and conditions by which the College District is required to contribute to the health insurance premium costs for eligible employees to participate in the Texas Employees Uniform Group Insurance Program. The policy delineates between the percentage amounts to be paid toward fulltime, eligible employee's premiums and the percentages amounts to be paid toward part-time, eligible employee's premiums.

Procedures:

Human Resources establishes the tiers of employment and employees are eligible for benefits in accordance with the employment status as full-time or part-time and the hours of work scheduled per week. Part-time employees are currently hired at or below 29 hours per week and do not qualify for health and life insurance.

All funds for the health and life insurance programs are adopted as part of the budget process.

Human Resources ensures proper continuation or discontinuation of health and life insurance coverage based on employment status.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCECKD
(LEGAL)**Uniform Group
Insurance Program**

An institution of higher education, including a college district, shall be covered by the Texas Employees Uniform Group Insurance Program.

The institution shall provide a health care insurance program in compliance with the Employee Retirement System of Texas (ERS) policies and regulations and federal law.

Health Insurance Portability and Accountability Act of 1996, Pub. Law 104-191, 45 C.F.R. 146.111(a); Insurance Code Chapter 1551; 34 TAC Chapter 81

An institution of higher education, including a college district, shall, at the time of employment, notify each of the institution's employees eligible to participate in the group benefits program of the employee's eligibility to participate. *Insurance Code 1551.107(b)*

State Consumer-
Directed Health
Plan

Each individual eligible to participate in the basic coverage may choose instead to participate in the state consumer-directed health plan, a high deductible health plan described by Insurance Code Chapter 1551, Subchapter J, if the plan enrollee is an eligible individual under Internal Revenue Code 223(c)(1). The dependents of a plan enrollee may participate in the state consumer-directed health plan in accordance with Insurance Code 1551.455. *Insurance Code 1551.452, .454(a)*

Eligibility

Employees and officers shall be eligible to participate in the group benefits program pursuant to Insurance Code, Chapter 1551, Subchapter C and 34 Administrative Code 81.5.

Ineligible
Employees

An employee of a public junior college who is employed to perform services outside of this state is not eligible to participate in the group benefits program unless the college elects, under procedures adopted by the ERS board of trustees, to permit the employee to participate in the group benefits program.

An employee is employed to perform services outside of this state if 75 percent or more of the services performed by the employee are performed outside of this state.

A person employed by a public junior college on August 31, 1999, remains eligible to participate in the group benefits program in the same manner as other employees of the college even if the individual's employment by the college is not continuous.

Insurance Code 1551.110(a)–(c)

Current and Former
Board Member

Subject to Insurance Code 1551.351, on application to the board of trustees of ERS and arrangement for payment of contributions, an individual participating in the group benefits program on August 31,

2003, as a current or former member of the governing body of an institution of higher education remains eligible for participation in a group health benefit plan offered under Insurance Code Chapter 1551 if a lapse in coverage has not occurred. A participant described by this section may not receive a state contribution for premiums. The governing body of an institution of higher education may pay from local funds part or all of the contributions the state would pay for similar coverage of other participants in the group benefits program. The participant's contribution for coverage under a health benefit plan may not be greater than the contribution for continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272). *Insurance Code 1551.109; 34 TAC 81.5(i)*

**Continuation
Coverage**

During Military
Leave

In any case in which a person (or the person's dependents) has coverage under a health plan in connection with the person's position of employment, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, and such person is absent from such position of employment by reason of service in the uniformed services the plan shall provide that the person may elect to continue such coverage. The maximum period of coverage of such a person and the person's dependents under such an election shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or
2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

38 U.S.C. 4317(a)(1)

During FMLA Leave

During any period that an eligible employee takes family and medical leave, the employer shall maintain coverage under any "group health plan," as defined in 26 U.S.C. 5000(b)(1), for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. [See also DECA] *29 U.S.C. 2614(c); 29 C.F.R. 825.209-.210, .213*

**Upon Termination or
Other Qualifying
Event (COBRA)**

In accordance with regulations which the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the

plan, to elect, within the election period, continuation coverage under the plan.

The coverage must consist of coverage which, as of the time the coverage is being provided, is identical to the coverage provided under the plan to similarly situated beneficiaries under the plan with respect to whom a qualifying event has not occurred. If coverage is modified under the plan for any group of similarly situated beneficiaries, such coverage shall also be modified in the same manner for all individuals who are qualified beneficiaries under the plan in connection with such group.

42 U.S.C. 300bb-1(a), 300bb-2(1)

Qualifying Event

“Qualifying event” means, with respect to any covered employee, any of the following events which, but for the continuation coverage required under 42 U.S.C. Chapter 6A, Subchapter XX, would result in the loss of coverage of a qualified beneficiary:

1. The death of the covered employee.
2. The termination, other than by reason of such employee’s gross misconduct, or reduction of hours, of the covered employee’s employment.
3. The divorce or legal separation of the covered employee from the employee’s spouse.
4. The covered employee becoming entitled to benefits under Medicare, 42 U.S.C. 1395 et seq.
5. A dependent child ceasing to be a dependent child under the generally applicable requirements of the plan.

42 U.S.C. 300bb-3

Period of Coverage

The coverage must extend for at least the period beginning on the date of the qualifying event and ending not earlier than the earliest of the following:

1. In the case of the termination or reduction of hours of a covered employee as described at Qualifying Event, the date which is 18 months after the date of the termination or reduction of hours.
2. If a qualifying event occurs during the 18 months after the date of the termination or reduction of hours, the date which is 36 months after the date of the termination or reduction of hours.

3. In the case of a qualifying event other than termination or reduction of hours, the date which is 36 months after the date of the qualifying event.
4. In the case of the termination or reduction of hours of a covered employee as described at Qualifying Event that occurs less than 18 months after the date the covered employee became entitled to benefits under Medicare, 42 U.S.C. 1395 et seq., the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this provision before the close of the 36-month period beginning on the date the covered employee became so entitled.
5. In the case of a qualified beneficiary who is determined, under Title II or XVI of the Social Security Act, 42 U.S.C. 401 et seq., 1381 et seq., to have been disabled at any time during the first 60 days of continuation coverage, any reference in paragraph 1 or 2 to 18 months is deemed a reference to 29 months with respect to all qualified beneficiaries, but only if the qualified beneficiary has provided notice of such determination under 42 U.S.C. 300bb-6(3) before the end of such 18 months.

42 U.S.C. 300bb-2(2)

Premium

The plan may require payments of a premium for any period of continuation coverage, except that such premium shall not exceed 102 percent of the applicable premium for such period, and may, at the election of the payor, be made in monthly installments. In the case of an individual entitled to 29 months of continuation coverage under 42 U.S.C. 300bb-2(2)(A)(vi) the plan may require payment of a premium that shall not exceed 150 percent of the applicable premium for any month after the 18th month. The qualified beneficiary may choose to pay the premiums in monthly installments. In no event may the plan require the payment of any premium before the day that is 45 days after the day on which the qualified beneficiary made the initial election for continuation coverage. *42 U.S.C. 300bb-2(2)(A), (3)*

Notice

The employer of an employee under a group health plan must notify the plan administrator of an employee's death, termination, reduction of hours, or eligibility for Medicare payments within 30 days of the date of the qualifying event.

Each covered employee or qualified beneficiary is responsible for notifying the plan administrator of a divorce or legal separation from a spouse or a dependent child ceasing to be a dependent within 60 days after the date of the qualifying event and each qualified beneficiary who is determined, under Title II or XVI of the So-

cial Security Act, 42 U.S.C. 401 et seq., 1381 et seq., to have been disabled at any time during the first 60 days of continuation coverage is responsible for notifying the plan administrator of such determination within 60 days after the date of the determination and for notifying the plan administrator within 30 days after the date of any final determination that the qualified beneficiary is no longer disabled.

42 U.S.C. 300bb-6(2)–(3)

Note: See also DEB for continuation benefits that are available to survivors of college district peace officers under certain conditions.

**Preexisting
Conditions**

A group health plan may not impose any preexisting condition exclusion with respect to such plan or coverage. *42 U.S.C. 300gg-3(a); 45 C.F.R. 146.111, 147.108*

**Health Insurance
Portability and
Accountability Act
(HIPAA)**

Election to Be
Exempted

The Public Health Service Act (PHS Act) requirements are the following:

1. Limitations on preexisting condition exclusion periods in accordance with section 2701 of the PHS Act as codified before enactment of the Affordable Care Act;
2. Special enrollment periods for individuals and dependents described under section 2704(f) of the PHS Act;
3. Prohibitions against discriminating against individual participants and beneficiaries based on health status under section 2705 of the PHS Act, except that the sponsor of a self-funded non-federal governmental plan cannot elect to exempt its plan from requirements under section 2705(a)(6) and 2705(c) through (f) that prohibit discrimination with respect to genetic information;
4. Standards relating to benefits for mothers and newborns under section 2725 of the PHS Act;
5. Parity in mental health and substance use disorder benefits under section 2726 of the PHS Act;
6. Required coverage for reconstructive surgery and certain other services following a mastectomy under section 2727 of the PHS Act; and
7. Coverage of dependent students on a medically necessary leave of absence under section 2728 of the PHS Act.

A sponsor of a non-federal governmental plan may elect to exempt its plan, to the extent the plan is not provided through health insurance coverage (that is, it is self-funded), from one or more of the requirements described in items 4 through 7, above.

42 U.S.C. 300gg-21(a)(2); 45 C.F.R. 146.180(a)

Exception

No election described above with respect to Section 2726 may be made on or after December 29, 2022, and no such election with respect to Section 2726 expiring on or after June 27, 2023, may be renewed. *42 U.S.C. 300gg-21(a)(2)(F)*

Form of Election

The election must meet the following requirements:

1. Be made in an electronic format in a form and manner as described by the U.S. Secretary of Health and Human Services in guidance.
2. Be made in conformance with all of the plan sponsor's rules, including any public hearing requirements.
3. Specify the beginning and ending dates of the period to which the election is to apply. This period is a single specified plan year, as defined in 45 C.F.R. 144.103.
4. Specify the name of the plan and the name and address of the plan administrator, and include the name and telephone number of a person the Centers for Medicare and Medicaid Services (CMS) may contact regarding the election.
5. State that the plan does not include health insurance coverage, or identify which portion of the plan is not funded through health insurance coverage.
6. Specify each requirement described in 45 C.F.R. 146.180(a)(1) of this section from which the plan sponsor elects to exempt the plan.
7. Certify that the person signing the election document, including, if applicable, a third-party plan administrator, is legally authorized to do so by the plan sponsor.
8. Include, as an attachment, a copy of the notice described in 45 C.F.R. 146.180(f).

42 U.S.C. 300gg-21(a)(2); 45 C.F.R. 146.180(b)

Timing of Election

Absent an extension by the U.S. Department of Health and Human Services CMS for good cause, a plan sponsor or entity acting on behalf of a plan sponsor must file an election with CMS before the first day of the plan year. The election applies for a single specified plan year.

A plan sponsor may renew an election through subsequent elections.

42 U.S.C. 300gg-21(a)(2)(A); 45 C.F.R. 146.180(c), (f)

Contents of Notice

In accordance with 45 C.F.R. 146.180(f), a plan that makes the election described in this section must notify each affected enrollee of the election, and explain the consequences of the election. The notice must be in writing and must be provided to each enrollee at the time of enrollment under the plan, and on an annual basis no later than the last day of each plan year for which there is an election. A plan may meet the notification requirements by prominently printing the notice in a summary plan description, or equivalent description, that it provides to each enrollee at the time of enrollment, and annually. Also, when a plan provides a notice to an enrollee at the time of enrollment, that notice may serve as the initial annual notice for that enrollee. *42 U.S.C. 300gg-21(a)(2)(C); 45 C.F.R. 146.180(f)*

Privacy of Health Information

To the extent the college district is a covered entity under the Administrative Simplification provisions of HIPAA, the college district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E. *42 U.S.C. Chapter 7, Subchapter XI, Part C*

Definitions

“Covered entity” means:

Covered Entity

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C.F.R. Subtitle A, Subchapter C.

45 C.F.R. 160.103

Protected Health Information

“Protected health information” means individually identifiable health information that is transmitted by electronic media, maintained by electronic media, or transmitted or maintained in any form or medium. “Protected health information” excludes individually identifiable health information in:

1. Education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.
2. Medical treatment records described at 20 U.S.C. 1232g(a)(4)(B)(iv) on a student who is at least 18 years of age.

3. Employment records held by a covered entity in its role as employer.

20 U.S.C. 1232g, 45 C.F.R. 160.103 [See FJ(LEGAL) at Education Records Defined]

Plan Sponsor

The term “plan sponsor” includes the employer in the case of an employee benefit plan established or maintained by a single employer. *29 U.S.C. 1002(16)(B)*

Sponsors of Group Health Plans

A group health plan, to disclose protected health information to the plan sponsor or to provide for or permit the disclosure of protected health information to the plan sponsor by a health insurance issuer or HMO with respect to the group health plan, must ensure that the plan documents restrict uses and disclosures of such information by the plan sponsor consistent with the requirements of the Privacy Rule.

The group health plan, or a health insurance issuer or HMO with respect to the group health plan, may disclose summary health information to the plan sponsor, if the plan sponsor requests the summary health information for the purpose of:

1. Obtaining premium bids from health plans for providing health insurance coverage under the group health plan; or
2. Modifying, amending, or terminating the group health plan.

The group health plan, or a health insurance issuer or HMO with respect to the group health plan, may disclose to the plan sponsor information on whether the individual is participating in the group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

45 C.F.R. 164.504(f)

Pharmacy Benefit Manager Services Contracts

Disclosure

A state agency on request of another state agency shall disclose information relating to the amounts charged by a pharmacy benefit manager for pharmacy benefit manager services provided under a prescription drug program and other requested pricing information related to a contract for pharmacy benefit manager services. A state agency shall provide information requested under this section not later than the 30th day after the date the information is requested.

A state agency is not required to disclose information the agency is specifically prohibited from disclosing under a contract with a pharmacy benefit manager executed before September 1, 2009.

A contract entered, amended, or extended on or after September 1, 2009, may not contain a provision that prohibits a state

agency from disclosing information on the amounts charged by a pharmacy benefit manager for pharmacy benefit manager services provided under a prescription drug program or from disclosing other pricing information related to the contract.

Gov't Code 2158.402

Redisclosure

The information received by a state agency under this section may not be disclosed to a person outside of the state agency or its agents. *Gov't Code 2158.403*

State Agency

"State agency" means a board, commission, department, office, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Education Code 61.003. *Gov't Code 2158.401(a)*

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCECKD
(LOCAL)**College District
Contribution**

The College District shall contribute the following amounts to the health insurance premiums for employees eligible to participate in the Texas Employees Uniform Group Insurance Program:

1. For an eligible full-time employee who works at least 30 hours per week, 100 percent to the premiums for the employee and 50 percent to the premiums for that employee's eligible dependents.
2. For an eligible part-time employee who works less than 30 hours per week, 50 percent to the premiums for the employee and 25 percent to the premiums for that employee's eligible dependents.

The Board may allocate funds as part of the annual budget development and adoption process for contributions to employee premiums for any additional health and life insurance programs available to employees.

Eligibility of
Employees
Performing Services
Outside Texas

If at least 75 percent of an employee's services are performed outside Texas, then the employee, if otherwise eligible, may participate in the Texas Employees Uniform Group Insurance Program in accordance with College District regulations.

Outside Texas

An employee's services are performed outside Texas if they are performed while the employee is located outside Texas and do not include instruction to a College District student who is located in-state.

**Continuation
Coverage**

The College District shall continue its contribution toward the cost of the employee's group health insurance coverage while the employee is on paid leave or, if applicable, while the employee is on family and medical leave. [See DEC]

The College District shall not otherwise expend public funds for group health insurance coverage of an employee who is not on paid leave status. However, an employee who is not on paid leave status or Family and Medical Leave Act (FMLA) leave shall be allowed to continue group health insurance coverage, at his or her own expense, for the period specified in the College District's group health insurance plan.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS & SUPPORT SERVICES

Policy: CKF Insurance & Annuities Management – Unemployment Insurance

Summary of LOCAL Policy:

The policy specifies mandates that the College shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following academic year.

Procedures:

At the end of a contract for less than 12 months, Human Resources will send letters of reasonable assurance to those whose services are anticipated to be needed in the following academic year.

INSURANCE AND ANNUITIES MANAGEMENT
UNEMPLOYMENT INSURANCECKF
(LEGAL)

Unemployment benefits are paid through the Texas Workforce Commission (TWC) in accordance with rules adopted by the TWC and are due and payable under the Texas Unemployment Compensation Act, Labor Code Title 4, Subtitle A only to the extent provided by the Act.

"Employer" for purposes of the Texas Unemployment Compensation Act also means a political subdivision of a state, including a college district, or an instrumentality of a political subdivision of a state that is wholly owned by political subdivisions of one or more states.

Labor Code 201.026, 206.001

**Unemployment
Compensation
Eligibility Exceptions
Specific to
Educational
Institutions**

Benefits are not payable to an individual based on services performed in an instructional, research, or principal administrative capacity for an educational institution, including a college district, for a week beginning during the period between two successive academic years or terms or under an agreement providing for a similar period between two regular but not successive terms if the individual performed the services in the first of the academic years or terms and there is a contract or reasonable assurance that the individual will perform services in that capacity for any educational institution in the second of the academic years or terms.

Benefits are not payable to an individual based on services performed for an educational institution in a capacity other than a capacity described above for a week that begins during a period between two successive academic years or terms if the individual performed the services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform the services in the second of the academic years or terms. However, if benefits are denied to an individual for any week under this provision and the individual is not offered an opportunity to perform services for the educational institution for the second of the academic years or terms, the individual is entitled to a retroactive payment of the benefits for each week that the individual filed a timely claim for benefits and the benefits were denied solely because of this provision.

Benefits are not payable to an individual based on services performed for an educational institution for a week that begins during an established and customary vacation period or holiday recess if the individual performed the services in the period immediately before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform the services in the period immediately following the vacation period or holiday recess.

Labor Code 207.041(a)-(d)

**Required Employer
Payment
Alternatives**

Contributions

A governmental employer shall pay a contribution, defined as a tax payment under the Texas Unemployment Compensation Act to the compensation fund, in accordance with Labor Code Chapter 204, Subchapter F and rules adopted by the TWC on wages paid for employment during each year or portion of the year in which the governmental employer is subject to the Act. A contribution paid by a governmental employer may not be deducted from the wages of individuals in the employer's employ. *Labor Code 204.101-.102*

Reimbursements

A political subdivision of a state, an instrumentality of a state, or a political subdivision of a state may elect to pay reimbursements for benefits instead of contributions. The election must be made not later than the 45th day after the date on which notice that an employer is subject to the Texas Unemployment Compensation Act is mailed to the employer. The election is effective January 1 of the year in which the employer becomes subject to the Act. An election is effective for at least two calendar years and may be terminated after the minimum period by filing with the commission not later than December 1 a written request for termination. The termination is effective January 1 of the following year. *Labor Code 205.001*

Group Accounts

On approval of an application submitted by two or more reimbursing employers, the TWC shall establish a group account for the employers to share the cost of benefits that are attributable to service in the employ of the employers. The application must identify and authorize a group representative to act as the group's agent for the purpose of Labor Code Chapter 205, Subchapter C. The group account takes effect at the beginning of the calendar quarter in which the commission received the application. The TWC shall notify the group's representative of the effective date of the account. *Labor Code 205.021*

**Initial Claim and
Response**

A person, including a college district, to whom notice is mailed under Labor Code 208.002 shall notify TWC promptly of any facts known to the person that may:

1. Adversely affect the claimant's right to benefits; or
2. Affect a charge to the person's account.

A notification provided by a person, including an initial response to a notice mailed to the person under Section 208.002, must include sufficient factual information to allow the commission to make a determination regarding the claimant's entitlement to benefits.

A person who does not mail or otherwise deliver that notification to the commission within 14 days after the date notice of a claim was mailed to the person by the commission waives all rights in connection with the claim, including rights the person may have under

INSURANCE AND ANNUITIES MANAGEMENT
UNEMPLOYMENT INSURANCE

CKF
(LEGAL)

Labor Code Subchapter B, Chapter 204, other than rights relating to a clerical or machine error as to the amount of the person's chargeback or maximum potential chargeback in connection with the claim for benefits.

Labor Code 208.004(a)–(b)

INSURANCE AND ANNUITIES MANAGEMENT
UNEMPLOYMENT INSURANCE

CKF
(LOCAL)

**Letters of
Reasonable
Assurance**

The College District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following academic year.

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

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

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: DGB EMPLOYMENT RIGHTS - Personnel Management Relations

Policy: DGBA Employee Grievances (AJC) – *(Update 36)*

Summary of LOCAL Policy:

This LOCAL policy was reviewed by Administration to ascertain compliance. College counsel, Leigh Porter, updated the Local DGBA (AJC) policy to align with current practice and procedure in relation to employee grievances. Current practice and policy will continue to be followed with the adoption of this Local Policy, DGBA.

For Board Approval:

Approval of LOCAL Policy DGBA (AJC)

Legal policy outlines the legal rights of employees in regards to the right to assemble, the right to be heard before the board, rights associated with Americans with Disabilities Act, Title IX, and Wage and Hour Laws applicable to the state of Texas. It outlines the legal rights to present a grievance based on the protections provided by these laws.

Local policy further outlines the grievance process. Employees will

- Try to resolve grievances in an informal manner with manager, Human Resources or appropriate Administrator before filing a formal complaint.
- File formal grievance by submitting the grievance in writing

The College will schedule meetings with the employee within 10 days to further discuss the grievance with the employee. The Director of Human resources shall provide employee with a written response within 10 days of the employee meeting. Should the employee deem the resolution inadequate, the employee may request review by the President. Upon receipt of the review, the President will review all information and schedule further meetings, request further information and/or require written statements. The President will then make a determination and notify the employee. The Presidents decision is final. The Board is not required to take any action concerning a grievance, but is required to listen if grievance is presented at a public meeting.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCESDGBA
(LEGAL)**United States
Constitution**

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

The board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the 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, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968) [See DG]

Texas Constitution

The citizens, including college district employees, shall have the right, in a peaceable manner, to assemble together for their common good and 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*

There is no requirement that the board 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 College Educators v. El Paso County Cmty District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

Federal Laws

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. *34 C.F.R. 104.7(b), .11*

Americans with
Disabilities Act

A public entity, including a college district, that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the 28 C.F.R. Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107(b), .140*

Title IX

Each recipient of federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by 34 C.F.R. Part 106 (Title IX of the Education Amendments of 1972 regulations). *34 C.F.R. 106.8(b); North Haven Bd of Educ. v. Bell*, 456 U.S. 512 (1982)

State Laws

Wages, Hours,
Conditions of Work

Government Code Chapter 617 (prohibition against collective bargaining and strikes, see DGA) does not impair the right of employees to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. *Gov't Code 617.005*

The term "conditions of work" should be construed broadly to include any area of wages, hours, or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. *Atty. Gen. Op. JM-177 (1984)*; *Corpus Christi Fed. of Teachers v. Corpus Christi Indep. Sch. Dist.*, 572 S.W.2d 663 (Tex. 1978)

The statute protects grievances presented individually or individual grievances presented collectively. *Lubbock Prof'l Firefighters v. City of Lubbock*, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.)

Representative

A college district cannot deny an employee's representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. *Lubbock Prof'l Firefighters v. City of Lubbock*, 742 S.W.2d 413 (Tex. App.—Amarillo 1987, writ ref'd n.r.e.); *Sayre v. Mullins*, 681 S.W.2d 25 (Tex. 1984)

A college district should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. *Att'y. Gen. Op. H-422 (1974)*; *Corpus Christi Indep. Sch. Dist v. Padilla*, 709 S.W.2d 700 (Tex. App.—Corpus Christi 1986, no writ)

Open Meetings Act

Government Code Chapter 551 does not require a governmental body, including a college district board of trustees, to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee or to hear a complaint or charge against an employee. This section does not apply if the employee who is the subject of the deliberation or hearing requests a public hearing. *Gov't Code 551.074*
[See BDA]

Closed Meeting

A board may conduct a closed meeting on an employee complaint to the extent required or provided by law. *Gov't Code 551.082*
[See BDA]

**Whistleblower
Complaints**

Before bringing suit, a public employee, including a college district employee, must initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under Government Code Chapter 554 (whistleblowers). *Gov't Code 554.006* [See DG]

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

Guiding Principles	
Informal Process	<p>The Board encourages employees to discuss their concerns with their supervisor, Human Resources, or other appropriate administrator who has the authority to address the concerns prior to filing a formal complaint.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
Formal Process	<p>An employee may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require or allow a full evidentiary hearing or “mini-trial” at any stage.</p>
Limitation	<p>Personal issues, personality conflicts or similar matters shall be handled by supervisors and are not appropriate for this process. Such issues may be dismissed if a formal complaint is filed hereunder.</p>
At-Will Employee Termination Review	<p>An at-will employee who is terminated and who timely requests a review of that decision will begin this review process at the level of review by the College President or designee.</p>
Freedom from Retaliation	<p>Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
Complaints	<p>In this policy, the terms “complaint” and “grievance” shall have the same meaning.</p>
Other Complaint Processes	<p>Employee complaints shall be filed in accordance with this policy, except as required by other specific policies. Some of these policies may require appeals to be submitted in accordance with DGBA after the relevant complaint process.</p>
General Provisions	
Filing	<p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time</p>

shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the College District no more than three days after the deadline.

Scheduling The College District shall make reasonable attempts to schedule meetings at a mutually agreeable time. If the employee fails to appear at a scheduled meeting, the College District may issue a decision in the employee's absence or it may dismiss the grievance.

Days "Days" shall mean College District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Presentation The employee must personally present his/her grievance. Employee can, by giving at least seventy-two (72) hours notice to College District, choose a person to accompany him/her to any meeting, but that person may not participate and scheduling will not be changed due to any such person. If proper notice is not given, or if the person accompanying the employee is disruptive, he/she will not be allowed in a meeting hereunder.

Consolidating Complaints Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

Untimely Filings All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint will be dismissed, on written notice to the employee, at any point during the complaint process.

Costs Incurred Each party shall pay its own costs incurred in the course of the complaint.

Complaint Forms Complaints under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the initial meeting. After the initial meeting, no new documents may be submitted by

the employee unless the employee did not know the documents existed before the initial meeting.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing, otherwise it is waived.

Formal Process

Initial Level

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. Must be filed with the Director of Human Resources.

The Director of Human Resources will determine if this policy applies and if so, will investigate as necessary and shall schedule a conference with the employee generally within ten (10) days after receipt of the written complaint. The Director of Human Resources may set reasonable time limits for the conference.

Absent extenuating circumstances, the Director of Human Resources shall provide the employee a written response within ten (10) days following the conference. The written response shall set forth the general basis of the decision. In reaching a decision, the Director of Human Resources may consider information provided at the meeting or in the complaint and any other relevant documents or information they believe will help resolve the complaint.

If the employee did not receive the relief requested at the initial level with the Director of Human Resources, the employee may request a review by the College President, or his/her designee.

The appeal notice must be filed in writing, within five (5) days of the date of the written decision at the initial level, or the appeal is waived.

Appeal

If an appeal is timely filed, the College President or his/her designee, will conduct a formal review. This review may be on paper (without discussing same with employee), in person, electronically or via phone with the employee at the College District's sole discretion.

The College President, or their designee is authorized to require the employee (or any other employee) to provide a written statement, documentation or other evidence and gather facts by asking questions, but is not required to do so. If a meeting is held, it is not adversarial and will be conducted in a professional manner.

The College President or their designee's decision will be sent to the employee and Human Resources in writing within ten (10) days after the review is complete. The decision will include a general rationale or basis for same. If an employee's grievance is upheld then the employee's supervisor or any other necessary employee will take whatever actions are necessary to comply with the decision. The College President or his/her designee's decision is final.

**Complaint Against
President or Human
Resources**

If a complaint is against Human Resources or the College President, then another member of the administration, as determined to be appropriate under the circumstances, will conduct the initial review and/or appeal review and the same procedures shall apply.

Board Action

By law, the Board is not required to take any action concerning a grievance but is required to listen if the grievance is presented at a public meeting. Under the Texas Constitution, any employee may present a grievance to the Board regardless of the provisions at Limitation, above.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: D PERSONNEL

Policy: DM Termination of Employment (AJC) (*update 32*)

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. "Termination of Employment: Dismissal" Policy was approved by the BOT on 12/11/2017. College counsel, Leigh Porter, updated the Local DM (AJC) policy to align with current practice and procedure in relation to termination of employment specifically in regards to at-will employees.

Legal policy describes the Texas At-Will doctrine and the applicability to all employees being considered as at-will employees. This Texas law provides that an employee may be dismissed from employment for any reason, or no reason at all, so long as the termination does not violate state or federal law.

Local policy further explains that the Board delegates the authority to the President to make employment decisions for all employees. At-will employees, who are not on a term-contract, have no right to a review of the decision unless they allege the termination was due to a violation of law. Administrative leave may be imposed by the President during any pending investigations.

TERMINATION OF EMPLOYMENT

DM
(LEGAL)

At-Will Employees	Employment for an indefinite term may be terminated at will and without cause, except as otherwise provided by law. <u><i>Garcia v. Reeves County, Texas</i></u> , 32 F.3d 200 (5th Cir. 1994); <u><i>Irby v. Sullivan</i></u> , 737 F.2d 1418 (5th Cir. 1984); <u><i>Winters v. Houston Chronicle Pub. Co.</i></u> , 795 S.W.2d 723 (Tex. 1990)
Exception	An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. <u><i>Sabine Pilot Serv., Inc. v. Hauck</i></u> , 687 S.W.2d 733 (Tex. 1985) [See DG, DGA, DGB for other exceptions]
Dismissal Procedure	An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement or right. <u><i>Mott v. Montgomery County, Tex.</i></u> , 882 S.W.2d 635 (Tex. App.—Beaumont, 1994) Termination of employment is a condition of work that is a proper subject for the grievance process. <u><i>Fibreboard Paper Products Corp. v. Nat'l Labor Relations Bd.</i></u> , 379 U.S. 203 (1964); <u><i>Sayre v. Mullins</i></u> , 681 S.W.2d 25 (Tex. 1984) [See DGBA]
Falsification of Military Record	An employer, including a college district, may discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54. "Military record" means an enlistment record, occupation specialty, medal, award, decoration, or certification obtained by a person through the person's service in the armed forces of the United States or the state military forces. An employment contract entered into by an employer with an employee discharged by the employer under this section is void and unenforceable as against public policy. <i>Labor Code 105.001(3), .002; Penal Code 32.54(a)(1)</i>
Veteran's Preference Applicable to Reduction in Workforce	An individual entitled to a hiring or appointment preference under Government Code Chapter 657 is also entitled to a preference in retaining employment if the state agency that employs or appoints the individual reduces its workforce. The preference applies only to the extent that a reduction in workforce by an employing state agency involves other employees of a similar type or classification. [See DC] <i>Gov't Code 657.007</i>

TERMINATION OF EMPLOYMENT

DM
(LOCAL)

At-Will Employees
Dismissal

The Board delegates to the College President authority to make employment decisions for all employees, which includes hiring and firing authority. At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College District. At-will employees who are dismissed generally have no right to a review of that decision. However, if the at-will employee alleges that he/she was terminated due to a discriminatory reason or a reason that was in violation of the law, he/she may request review of that decision through DGBA(LOCAL) starting at the last level, a formal review by the College President. Such a request must be made in writing to the College President within five (5) business days of the termination or it is waived. The employee shall receive pay through the end of the last day worked.

Administrative
Leave

The College President may place an at-will employee on administrative leave, at his/her discretion, pending an investigation related to the employee. Such leave may be with or without pay in the College President's discretion.

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 LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: DMA Term Contracts

Policy: DMAA Termination Mid-Contract (*update 41*)

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. "Termination of Employment: Dismissal" Policy was approved by the BOT on 12/11/2017. College counsel, Leigh Porter, updated the Local DMAA (AJC) policy to align with current practice and procedure in relation to term contracts and termination of contract mid-contract term.

This policy delegates the authority to make employment decisions to the President. It also outlines the procedures for due process in relation to termination of a contract employee mid-contract. This procedure includes:

- Written notice by the employee
- Review by the President
- Standing Committee hearing on the matter and decision
- Allowance of appeal of the Committees ruling to the College President
- Appeal to the Board should the employee disagree with the President's decision

It also outlines the process of filing a grievance related to the dismissal and the use of suspensions, paid and unpaid, when in relation to a termination mid-contract occurs.

TERM CONTRACTS
TERMINATION MID-CONTRACTDMAA
(LEGAL)**Grounds for Dismissal**

Any employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

Notice

Before any employee is dismissed, the employee shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

Hearing

If, upon written notification, the employee desires to be heard and to contest the proposed action of the board, he or she shall give the board written notice. The hearing shall be set on a date that affords the employee reasonable time to prepare an adequate defense.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985); *Ferguson v. Thomas*, 430 F.2d 852 (5th Cir. 1970); *Bexar Cty. Sheriff's Civ. Serv. v. Davis*, 802 S.W.2d 659 (Tex. 1990)

The board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

At the hearing before the board, the employee may employ counsel. The employee also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. *Ferguson v. Thomas*, 430 F.2d 852 (5th Cir. 1970)

Grievance Rights of Faculty Members

A faculty member at an institution of higher education, including a college district, has a right to present a grievance, in person, to a member of the institution's administration designated by the governing board of the institution on an issue related to the nonrenewal or termination of the faculty member's employment at the institution.

An institution may not by contract, policy, or procedure, restrict a faculty member's right to present a grievance under this section. An institution may adopt a method for presenting, reviewing, and acting on a grievance filed under this section.

"Faculty member" means a person employed full time by an institution of higher education as a member of the institution's faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person's time for the institution engaged in managerial or supervisory activities, including a

chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

Education Code 51.960

Suspension

The employee may be suspended with pay pending the outcome of the dismissal hearing. *Moore v. Knowles*, 482 F.2d 1069 (5th Cir. 1973) [See DLB]

TERM CONTRACTS
TERMINATION MID-CONTRACT

DMAA
(LOCAL)

Application	This policy applies to all contract employees.
Dismissal for Good Cause Notice	The Board delegates to the College President the authority to make employment decisions, including the authority to hire and fire all employees. A contract employee may be dismissed for good cause, as determined by the College President, before the completion of the term fixed in his or her contract. Termination procedures will ensure due process of law.
Notice	Before any contract employee is dismissed for good cause, he or she will be given reasonable notice in writing from the College President of the proposed action and the grounds set forth in sufficient detail to fairly enable him or her to show any error that may exist.
Due Process Procedures	<p>Due process procedures for termination of a contract employee, or for suspension without pay of a contract employee, are as follows:</p> <ol style="list-style-type: none"> 1. Upon written notification, the employee may, within ten (10) College District business days from the date of the letter giving notice of the termination, submit to the College President a written request for a hearing. If a written request for a hearing is not timely made, it is waived and the dismissal is final. If a hearing is requested, it will be conducted by a standing committee selected by the College District. 2. The hearing will be held on a date that affords the contract employee reasonable time to prepare an adequate presentation to the hearing committee. The hearing committee will conduct the hearing in accordance with applicable law and any procedures provided by the hearing committee or the College District. 3. The hearing will be conducted in a closed meeting unless the contract employee requests that it be open. If the contract employee wishes the hearing to be held in an open meeting, he or she must make this wish known by delivering such a request, in writing, to the College President not less than 72 hours prior to the scheduled time that the hearing is scheduled to begin. The hearing will be conducted within the guidelines specified herein and any additional guidelines established by the hearing committee, including but in no way limited to: <ol style="list-style-type: none"> a. The contract employee and the College District have the right to be represented by counsel; b. Reasonable rules regarding decorum, presentations, and examinations shall be established and must be followed; and

- c. The contract employee and the College District have the right to present facts and to bring forward witnesses, and ask questions of witnesses.
4. The proceedings of the hearing will be tape recorded if requested either by the College District or the contract employee. A copy of the recording must be provided to the contract employee and to the College District upon request.
5. The College District may set reasonable rules and time limits for the hearing.
6. The hearing committee will base its findings solely upon the record of the hearing and will make a determination as to whether good cause for termination exists. The College District bears the burden of proof by a preponderance of the evidence. Following the conclusion of the hearing, the hearing committee must, within two (2) business days, deliver a finding of fact and decision in writing to the College President and to the contract employee.
7. If the contract employee disagrees with the hearing committee's decision, he or she may appeal this decision in writing to the College President or his or her designee within three (3) business days. Failure to timely appeal will result in the hearing committee's decision being final.
8. If there is an appeal, the College President will consider the written report of the hearing committee concerning the contract employee and may consider any other evidence or documents presented at the hearing in his/her discretion. Within five (5) business days after the written appeal of the contract employee, the College President or designee will deliver to the contract employee a copy of his or her judgment in writing.
9. If the contract employee disagrees with the College President's judgment, he or she may appeal this decision in writing to the Board within three (3) business days. Failure to timely appeal will result in the College President's decision being final.
10. If there is an additional appeal, the Board may accept the recommendation of the College President after examination of the hearing committee's report and the written judgment of the College President. If the Board determines, in its sole discretion, to review the appeal further, the review shall be on paper only and no live hearing or meeting with the employee shall be held, and the review is limited to the evidence presented at the hearing.

Failure to Appear If the contract employee fails to appear at the hearing or fails to comply with any time deadlines set forth herein, the appeal is automatically dismissed.

Faculty Members

Alternatively, a faculty member, as defined by Education Code 51.960, may present a grievance under Section 51.960 to the Director of Human Resources on an issue related to the faculty member's dismissal. It is recommended that the faculty member file a request to present the grievance within three business days after final action on the dismissal proceeding, but the request must be made before the date the termination is final.

Once a request to present a grievance has been filed, the conference shall be scheduled within seven business days, unless another day is mutually agreed to. The Director of Human Resources' decision is final.

The hearing process permitted by this policy constitutes a grievance for purposes of Education Code 51.960.

Suspension With
Pay

A contract employee may be suspended with pay and placed on administrative leave in the College President's discretion.

Suspension Without
Pay

A contract employee may, for good cause, be suspended without pay for a definite period of time set by the College President, provided that the employee has been given written notice of the allegations constituting good cause for the suspension and, before the suspension is imposed, has been afforded an opportunity for a hearing that complies with the timelines and procedural requirements set forth below. However, if a hearing is scheduled and the contract employee postpones the hearing, then the effective date of the suspension without pay will be from the originally scheduled hearing date.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: DMA TERM CONTRACTS

Policy: DMAB Nonrenewal (CJC) - *(update 41)*

Summary of LOCAL Policy:

This Local policy was reviewed by Administration to ascertain compliance. "Non-Renewal of Term Contract" Policy was approved by the BOT on 12/11/2017. College counsel, Leigh Porter, updated the Local DMAB (CJC) policy to align with current practice and procedure in relation to term contracts and nonrenewal.

Legal policy specifies the right of Faculty to present a grievance for nonrenewal of a contract.

Local policy further describes the process by which a Faculty or Administrator may present a grievance or appeal due to contract non-renewal. Appeals may only be allowed if the employee alleges that the nonrenewal was due to constitutional discrimination or otherwise was due to a violation of applicable law. Hearing procedures for appeals will follow the same procedures as provided in DMAA(Local). Local policy affirms that the College has no obligation to renew a term contract and may choose not to offer further employment for any reason, or no reason at all.

The board of trustees may decide by vote or inaction not to offer any employee further employment with the college district beyond the term of the contract for any reason or no reason. *Perry v. Sindermann*, 408 U.S. 593 (1972); *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)

**Grievance Rights of
Faculty Members**

A faculty member at an institution of higher education, including a college district, has a right to present a grievance, in person, to a member of the institution's administration designated by the governing board of the institution on an issue related to the nonrenewal or termination of the faculty member's employment at the institution.

An institution may not by contract, policy, or procedure, restrict a faculty member's right to present a grievance under this section. An institution may adopt a method for presenting, reviewing, and acting on a grievance filed under this section.

"Faculty member" means a person employed full time by an institution of higher education as a member of the institution's faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

Education Code 51.960

TERM CONTRACTS
NONRENEWAL

DMAB
(LOCAL)

Full Time Faculty

The College District shall not be obligated to renew any faculty member's contract. The College District may allow the contract of any full-time faculty employee to expire by its own terms and may choose not to offer further employment for any reason or no reason, provided the decision is not violative of laws regarding discrimination, or other protected rights. Good cause is not required for nonrenewal of a faculty member's contract. Such decision shall be at the sole discretion of the College District and shall be exercised if, in its sole judgment, the best interest of the College District will be served by such nonrenewal.

It shall be the practice of the College District that each faculty member whose contract will not be renewed shall be notified in writing by the College President or their designee of the College District's intent not to offer the employee a contract for the upcoming academic year before the expiration of the contract term.

If no written appeal is timely received, as outlined below, the nonrenewal is final and effective at the end of the contract term.

Appeal

There shall be no appeal available or hearing procedures involved in instances of nonrenewal of contracts unless the employee alleges that the nonrenewal was due to constitutional discrimination or otherwise was due to a violation of applicable law. In that instance, the affected employee shall have the burden to show that their constitutional or statutory rights have been violated and that the nonrenewal of the contract is based upon unlawful or discriminatory grounds. In the event of an employee raising such an issue, the hearing procedures as provided at DMAA(LOCAL) shall be extended to the employee with the proviso that the burden of proof shall be placed upon the employee rather than the College District. Any constitutional or statutory violations alleged by the employee and request for appeal by the employee under this paragraph must be presented to the College President within five (5) business days of the date of notice of nonrenewal or it is waived. Any hearing under this paragraph shall satisfy the grievance procedures under Tex. Educ. Code § 51.960.

Faculty Members

Alternatively, a faculty member, as defined by Education Code 51.960, may present a grievance under Section 51.960 to the Director of Human Resources on an issue related to the faculty members nonrenewal. It is recommended that the faculty member file a request to present the grievance within ten business days after the notice of nonrenewal, but it must be filed prior to the expiration of the faculty member's contract.

Once a request to present a grievance has been filed, the conference shall be scheduled within seven business days, unless another date is mutually agreed to.

The Director of Human Resources' decision is final. Any hearing held pursuant to this policy constitutes a grievance for purposes of Education Code 51.960.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: EF CURRICULUM DESIGN

Policy: EFCD HIGH SCHOOL EQUIVALENCY TESTING CENTERS

Summary of LOCAL Policy:

An official high school equivalency testing center shall be located at one or more College District facilities designated by the Board. We currently have this testing in place at both Kilgore and Longview Testing Centers. The policy requires procedures, publishing of information, fees, and an annual report requirement. We will incorporate the annual report to the Board into the schedule of regular reports presented to the board.

Procedures:

Testing Centers Procedures Manual is readily accessible in the front reception area in both testing centers. The manual covers such areas as testing material security, the testing surveillance system, emergency situational procedures, and testing fees. Testing information is published on the College website.

SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERSEFCD
(LEGAL)

Tests shall be administered by authorized contracted testing centers under applicable state law and rules of the State Board of Education.

Entities eligible to serve as official computer-based testing centers include: an accredited school district; an institution of higher education; an education service center; a local workforce development board; a U.S. Department of Labor One-Stop Career Center; a U.S. Department of Labor Job Corps Center; a public or private correctional institution; a public or private technical institution or career preparation school; any other public or private postsecondary institution offering academic or technical education or vocational training under a certificate program or an associate degree program; and an independent, stand-alone testing center.

Entities eligible to serve as official paper-based testing centers include an accredited school district, an institution of higher education, an education service center, an entity approved to provide services under the Adult Education and Family Literacy Act, and a local workforce development board.

The appropriate official of an eligible entity desiring to provide the testing service to residents in the community must request approval from the Texas Education Agency (TEA) to apply for authorization from the authorized testing organization. If the need for a testing center in the location exists, the appropriate entity official, in writing, shall inform the state administrator appointed by the commissioner of education that the establishment of an official testing center is requested at that particular entity. The contract to operate a center shall be between the applicant entity and the authorized testing organization and its partners.

19 TAC 89.41, .42(a)–(b), (e)

Test Materials

A testing center may administer the test by paper, computer, or both, as approved by the TEA, to eligible candidates. *19 TAC 89.42(g)*

Paper-Based Test

In order for a testing center to administer a paper-based test, the testing center must certify in its application that it will make the following documentation available upon request by TEA:

1. A written description of the testing center management structure and how any instruction provided by the center will be separate from testing, including a certification that tests will be administered and/or proctored by an individual who has not provided direct instruction to the test taker in the previous 12 months;
2. A written narrative and photographs that describe and show:

SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERS

EFCD
(LEGAL)

- a. The building;
 - b. Distraction-free testing rooms;
 - c. A separate but attached registration and admission room;
 - d. Sufficient separation of testing space from classrooms used for instruction; and
 - e. Desk layout that includes partitions or sufficient spacing to separate test takers by at least five feet;
3. A written plan detailing how the testing center will ensure test security, including:
 - a. A secure area for staff to inventory test material and prepare documents for testing sessions;
 - b. Restricted access to administrator workstations, monitors, and printers;
 - c. A dedicated locked storage unit for secure test material in a locked room with access only to test administrators; and
 - d. A secure area for the shipping and receiving of all test materials, answer sheets, and related materials;
 4. Written procedures for administering the test; and
 5. A written detailed emergency plan.

A testing center that administers a paper-based test must provide to the test vendor for review written procedures for administering the test. In addition, the testing center must notify both the TEA and the test vendor in writing of testing center changes such as testing personnel, testing rooms, storage of secure documentation, the emergency plan, or any other change impacting operations.

19 TAC 89.42(c)–(d)

Examinees

Eligibility

Verification that any person being tested meets the eligibility requirements in 19 Administrative Code 89.43 will be provided according to procedures established by the TEA. *19 TAC 89.43(b)*

Identification

Test centers shall require each examinee to present a driver's license or Texas Department of Public Safety identification card, or a government-issued identification card (both national and foreign), provided that the identification includes date of birth, photograph, address, and signature. The examinee must also meet the age,

residency, and other requirements of 19 Administrative Code Chapter 89, Subchapter C. *19 TAC 89.44*

Examinees with Disabilities

Reasonable and appropriate accommodations shall be provided to applicants with documented disabilities that prevent fair access to the high school equivalency examinations.

Requests for accommodations must be submitted in writing for approval from the examination provider and include appropriate documentation of disability and rationale for each modification requested.

No fees or prepayments may be charged to the applicant to evaluate an accommodation request. No additional fees may be charged to the applicant for the administration of the examinations with approved accommodations.

19 TAC 89.46

Retesting

An examinee may retest in accordance with retest policies of the examination provider. *19 TAC 89.45*

Withdrawal of Authorization

The authorization to function as an official testing center may be withdrawn by the TEA if the testing center is in violation of SBOE rules. Potential violations include neglecting to follow test, vendor, or jurisdictional policies and procedures; unauthorized use or sale of test candidate information; or misrepresentation of the testing center's authority to issue transcripts or credentials on behalf of the TEA. *19 TAC 89.42(f)*

SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERS

EFCD
(LOCAL)

An official high school equivalency testing center shall be located at one or more College District facilities designated by the Board.

Procedures

The College President or designee shall develop written procedures concerning the operation of the center and administration of the test. The procedures shall:

1. Address the selection, requisition, and storage of test materials;
2. Address the provision of a suitable place for administering the test;
3. Address test security;
4. Include a written emergency plan; and
5. Address other operational matters as appropriate.

Testing Information

The College President or designee shall publish information about the available testing opportunities on the College District's website and in appropriate College District publications.

Fees

If permitted by the Texas Education Agency (TEA) and the test provider, the Board may approve a fee for the administration of a test.

Annual Report

The College President or designee shall report to the Board annually concerning the center, including the number of tests administered and the funds received for administering the test.

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section:	FE	STUDENT WELFARE
Policy:	FFE	FREEDOM FROM BULLYING (No Legal)

Summary of LOCAL Policy:

The College District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited. To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to an instructor, counselor, administrator, or other College District employee. The dean of students or designee shall conduct an appropriate investigation based on the allegations in the report. If the results of an investigation indicate that bullying or retaliation as defined by this policy occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Procedures:

Procedures are included in the policy.

Note: This policy addresses bullying targeting College District students. For provisions regarding discrimination and harassment targeting College District students, see FFD.

Bullying Prohibited

The College District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Bullying

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on College District property, at a College District-sponsored or College District-related activity, or in a vehicle operated by the College District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is so sufficiently severe, persistent, and pervasive that the action or threat limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

Retaliation

The College District prohibits retaliation by a student or College District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding bullying or retaliation as defined by this policy shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying or retaliation shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.

**Reporting
Procedures**

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to an instructor, counselor, administrator, or other College District employee.

Employee Report

Any College District employee who suspects or receives notice that a student or group of students has or may have experienced bullying or retaliation shall immediately notify the dean of students.

Report Format

A report may be made orally or in writing. The dean of students or designee shall reduce any oral reports to written form.

Prohibited Conduct

The dean of students or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFDA or FFDB, including harassment or discrimination on the basis of race, color, religion, gender, national origin, disability, or age. If so, the College District shall proceed under policy FFDA or FFDB, as appropriate, instead. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFDA or FFDB, as appropriate, shall include a determination on each type of conduct.

**Investigation of the
Report**

The dean of students or designee shall conduct an appropriate investigation based on the allegations in the report. The dean of students or designee shall promptly take interim action calculated to prevent bullying or retaliation, as defined by this policy, during the course of an investigation, if appropriate.

**Concluding the
Investigation**

Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the initial report alleging bullying or retaliation, as defined by this policy; however, the dean of students or designee shall take additional time if necessary to complete a thorough investigation.

The dean of students or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying or retaliation, as defined by this policy, occurred. A copy of the report shall be sent to the College President or designee.

**College District
Action**

If the results of an investigation indicate that bullying or retaliation as defined by this policy occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include implementing a training program for the individuals involved in the complaint, implementing a comprehensive education program for the College District community, conducting follow-up inquiries to determine if any new

incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where bullying or retaliation has occurred, and reaffirming the College District's policy against bullying and retaliation.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of bullying or retaliation as defined by this policy, the College District may take disciplinary or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through **FLD(LOCAL)**, beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]

Access to Policy and Procedures

Information regarding this policy and accompanying procedures shall annually be made available to College District employees and students and shall be published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section:	FL	STUDENT RIGHTS AND RESPONSIBILITIES
Policy:	FLD	STUDENT COMPLAINTS

Summary of LOCAL Policy:

This policy governs how student complaints are addressed, other than those governed by other Board policies, such as complaints of discrimination or harassment. Students are encouraged to resolve complaints informally, but may initiate the formal complaint process

The complaint process has three levels of escalation with timelines for filing and responses delineated within the policy.

Level One: Complaint forms must be filed within 15 days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and with the lowest level administrator who has the authority to remedy the alleged problem.

Level Two: The student may request a conference with the academic dean or dean of students to appeal the Level One decision.

Level Three: The student may appeal the Level Two response to the appropriate vice president or designee. The decision of the Level Three administrator is final.

To meet SACSCOC requirements, complaint records will be maintained in the Office of the Vice President of Student Services. These records will include complaint forms, supporting documents provided by the student or College District personnel, and written responses to students from College District personnel. The Office of the Vice President of Student Services will organize complaint records such that patterns may be discerned. NOTE: These statements reflect current record-keeping practices.

Procedures:

Procedures are listed within the policy.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTSFLD
(LEGAL)**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. [See FLA] *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, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

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*

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

**Challenge to
Education Records**

An educational agency or institution, including a college district, shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. [See FJ] 34 C.F.R. 99.21

**Appeals to the
Coordinating Board**

In accordance with 19 Administrative Code Chapter 1, Subchapter E, students may file written complaints with the Coordinating Board regarding institutions. 19 TAC 1.111(a)

If a student complaint form concerns compliance with the statutes and regulations that the Coordinating Board administers and the Coordinating Board has not referred the complaint to another entity, the Coordinating Board will initiate an investigation, as described in 19 Administrative Code 1.116(b)–(h). 19 TAC 1.111(a), .116(a)

Exhaustion of
Administrative
Remedies

Prior to initiating an investigation, the Coordinating Board shall require the complainant to exhaust all grievance and appeal procedures that the institution has established to address student com-

plaints. Complainants will be encouraged to consult the institution's website and student handbook, or to contact the institution's student ombudsman, Office of Student Affairs, Office of the General Counsel, or other appropriate administrative official, for information regarding the institution's processes for resolving complaints. Upon exhaustion of the institution's procedures, the complainant shall inform the Coordinating Board of the outcome of the grievance and appeal procedures and provide all documentation concerning same. *19 TAC 1.116(b)*

Exceptions

The following is a non-exhaustive list of student complaints that are not reviewed by the Coordinating Board:

1. The Coordinating Board does not handle, investigate, or attempt to resolve anonymous complaints.
2. The Coordinating Board does not intervene in matters solely concerning an individual's grades, examination results, or evaluation of academic performance, as these are within the sole purview of the institution and its faculty.
3. The Coordinating Board does not intervene in matters solely related to student life such as student housing, dining facilities, food service, violations of the Student Code of Conduct, or student activities and organizations, as these issues are within the sole purview of the institution.
4. The Coordinating Board does not handle, investigate, or attempt to resolve complaints in matters that are or have been in litigation.
5. The Coordinating Board does not handle, investigate, or attempt to resolve complaints about religious institutions relating solely to their religious (as opposed to secular) standards and religious programs of study.
6. The Coordinating Board does not handle, investigate, or attempt to resolve student complaints against institutions not authorized by the Coordinating Board to operate in Texas. Institutions authorized by the Coordinating Board to operate in Texas are listed on the following websites:
 - a. [Texas Higher Education Data](#)¹
 - b. [Texas Higher Education Coordinating Board](#)²
7. The Coordinating Board does not handle, investigate, or attempt to resolve complaints regarding tribal institutions.
8. The Coordinating Board does not handle, investigate, or attempt to resolve complaints about criminal matters, and in-

stead encourages students to contact local law enforcement authorities regarding these complaints.

19 TAC 1.113

Resolution

After receiving the Coordinating Board staff's recommendation, the commissioner shall consider the recommendation regarding the complaint and render a written determination thereon. If the commissioner finds the complaint is without merit, the commissioner shall dismiss the complaint. If the commissioner finds the complaint has merit, the commissioner may require the institution to take specific action(s) to remedy the complaint. In the commissioner's sole discretion, complaints regarding institutional integrity may be forwarded to the Coordinating Board for its consideration and determination. The Coordinating Board shall send a copy of the commissioner's or the Coordinating Board's, as appropriate, written determination to the complainant and the institution. As necessary, the Coordinating Board may take all appropriate actions to enforce its determination. *19 TAC 1.119*

Posting Required

Each institution, including each college district, shall post information regarding the complaint procedure outlined in 19 Administrative Code Chapter 1, Subchapter E, on its website. Such information shall:

1. Contain, at a minimum, contact information for filing student complaints with the Coordinating Board, a description of the complaint procedure outlined in Subchapter E, and the Uniform Resource Locator (URL) for Subchapter E on the Texas Secretary of State's website;
2. Be accessible from the institution's internet website home page by use of not more than three links;
3. Be searchable by keywords and phrases;
4. Be accessible to the public without requiring registration or use of a user name, a password, or another user identification; and
5. Be updated as soon as practicable if the information changes.

Each institution shall also provide each individual student of that institution with written information regarding the complaint procedure outlined in Subchapter E at the beginning of each academic year, such as in the school's catalog. Such information shall contain, at a minimum, contact information for filing student complaints with the Coordinating Board and a description of the complaint procedure outlined in Subchapter E.

19 TAC 1.112

Note: See GDA for provisions concerning students barred from campus.

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- ¹ Texas Higher Education Data: <http://www.txhighereddata.org>
² Texas Higher Education Coordinating Board: <https://www.highered.texas.gov/>

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Guiding Principles	The College District encourages students to discuss their concerns with the appropriate instructor or other campus administrator who has the authority to address the concerns.
Informal Process	<p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
Formal Process	<p>A student may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
Freedom from Retaliation	Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.
Notice to Students	The College District shall inform students of this policy through appropriate College District publications.
Complaints	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
Other Complaint Processes	<p>Student complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process:</p> <ol style="list-style-type: none"> <li data-bbox="552 1459 1442 1564">1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB] <li data-bbox="552 1585 1442 1659">2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB] <li data-bbox="552 1680 1442 1711">3. Complaints concerning disciplinary decisions. [See FMA] <li data-bbox="552 1732 1442 1806">4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA] <li data-bbox="552 1827 1442 1890">5. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

General Provisions	
Filing	Complaints and appeal notices may be filed by email (Level One) or by completing an online form (Level Two and Level Three).. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication.
Scheduling Conferences	The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the student's absence.
Response	At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's email address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean College District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by the student to represent the student in the complaint process. The student may designate a representative through written notice to the College District at any level of this process. If the student designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the

complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on an electronic form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Complaint Records

All complaint records will be maintained in the Office of the Vice President of Student Services. These records will include complaint forms, supporting documents provided by the student or College District personnel, and written responses to students from College District personnel. The Office of the Vice President of Student Services will organize complaint records such that patterns may be discerned.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students shall file Level One complaints with the department head. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the academic dean or dean of students to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the student a written response within ten days following the conference. The written re-

sponse shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the appropriate vice president to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The student may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the student a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

The decision of the Level Three administrator is final.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed LOCAL Policy for Adoption:

Section: F STUDENTS

Policy: FM DISCIPLINE AND PENALTIES

Summary of LOCAL Policy:

This policy states that a student shall be subject to discipline for violations of College District policies and procedures, including the rules outlining expectations for student conduct (see FLB-STUDENT RIGHTS AND RESPONSIBILITIES-STUDENT CONDUCT already adopted by the Board). The policy lists a range of penalties for violations. The College keeps a discipline record for every student alleged or determined to have committed misconduct. Such records are maintained by the Office of the Vice President of Student Services. Information regarding student discipline is published in the college catalog/student handbook.

Procedures:

Procedures related to this policy are described separately in FMA DISCIPLINE AND PENALTIES - DISCIPLINE PROCEDURE.

DISCIPLINE AND PENALTIES

FM
(LEGAL)**Authority**

A college district has inherent authority to maintain order and discipline students. It may discipline students who disrupt the educational environment or who otherwise fail to abide by its standards of conduct. *Lansdale v. Tyler Junior Coll.*, 318 F.Supp. 529 (E.D. Tex. 1970); *Speake v. Grantham*, 317 F.Supp. 1253 (S.D. Miss. 1970)

A college district should adopt a student code of conduct that clearly sets out what conduct will result in discipline as well as the associated penalties. *Esteban v. Cent. Mo. State Coll.*, 415 F.2d 1077 (8th Cir. 1969); *Calbillo v. San Jacinto Junior Coll.*, 305 F.Supp. 857 (S.D. Tex. 1969)

Disciplinary Procedure

No governmental entity, including a college district, shall deprive any person of life, liberty, or property, without due process of law. *U.S. Const. Amend. XIV*

Students subject to discipline by the college district must be afforded the level of due process, including notice and an opportunity to respond, under the U.S. Constitution Fourteenth Amendment that corresponds with the level of the discipline. *Goss v. Lopez*, 419 U.S. 565 (1975); *Dixon v. Ala. State Bd. of Educ.*, 294 F.2d 150 (5th Cir. 1961)

Continuation of
Disciplinary Process

If a student withdraws from a postsecondary educational institution, including a college district, prior to final resolution of the postsecondary educational institution's published disciplinary process that may result in the student becoming ineligible to reenroll for a non-academic or non-financial reason, the postsecondary educational institution may not end the disciplinary process until the postsecondary educational institution makes a final determination of responsibility, including, if applicable, a determination of whether the student will be ineligible to reenroll in the postsecondary educational institution for a non-academic or non-financial reason and shall include on the student's transcript the notation required under 19 Administrative Code 3.30(b) if, as a result of the disciplinary process, the student is ineligible to reenroll in the postsecondary educational institution for a non-academic or non-financial reason [see FJ]. *Education Code 51.9364(a), (c); 19 TAC 3.30(c)*

**Sexual Harassment,
Sexual Assault,
Dating Violence, and
Stalking Allegations**Procedural
Protections

A postsecondary educational institution that initiates a disciplinary process concerning an allegation that a student enrolled at the institution violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking shall:

1. Provide to the student and the alleged victim a prompt and equitable opportunity to present witnesses and other evidence

relevant to the alleged violation during the disciplinary process;

2. Ensure that both the student and the alleged victim have reasonable and equitable access to all evidence relevant to the alleged violation in the institution's possession, including any statements made by the alleged victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality; and
3. Take reasonable steps to protect the student and the alleged victim from retaliation and harassment during the pendency of the disciplinary process.

Education Code 51.286; 19 TAC 3.10

Prohibition on
Discipline of
Students Who
Report

A postsecondary educational institution, including a college district, may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. This prohibition does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith. A determination that a student is entitled to amnesty is final and may not be revoked.

This section may not be construed to limit a postsecondary educational institution's ability to provide amnesty from application of the institution's policies in circumstances not described above.

Education Code 51.284

Students Who
Withdraw or
Graduate Before
Process Complete

If a student withdraws or graduates from a postsecondary educational institution pending a disciplinary charge alleging that the student violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

1. May not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and
2. Shall expedite the institution's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution.

Education Code 51.287(a); 19 TAC 3.11(a)

Request by Other Institution

On request by another postsecondary educational institution, a postsecondary educational institution shall, as permitted by state or federal law including the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, provide to the requesting institution information relating to a final determination by the institution that a student enrolled at the institution violated the institution's policy or code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking. *Education Code 51.287(b); 19 TAC 3.11(b)*

Definitions

*Dating Violence,
Sexual Assault,
and Stalking*

"Dating violence," "sexual assault," and "stalking" mean dating violence, sexual assault, or stalking, as applicable, that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f). *Education Code 51.251(2); 19 TAC 3.3(c)*

*Sexual
Harassment*

"Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.

Education Code 51.251(5), .281(4); 19 TAC 3.3(e)

Expulsion of Certain Foreign Students

The governing board of a public institution of higher education, including a college district, may expel from that institution any student who is a citizen of a country other than the United States attending the institution under a nonimmigrant visa issued by Immigration and Naturalization Service and who is finally convicted of an offense listed in Education Code 51.909, including Penal Code 28.03 (criminal mischief), 28.04 (reckless damage and destruction), 42.02 (riot), 42.03 (obstructing highway or other passageway), or 42.05 (disrupting meeting or procession). A person is

finally convicted if the conviction has not been reversed on appeal and all appeals, if any, have been exhausted. *Education Code 51.909*

DISCIPLINE AND PENALTIES

FM
(LOCAL)

Note: For procedures related to student discipline, see FMA.

Penalties for Student Misconduct

A student shall be subject to discipline for violations of College District policies and procedures, including the rules outlining expectations for student conduct [see FLB]. If a student commits an infraction or engages in misconduct, the College District may impose one or more of the following penalties:

1. Reprimand - A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.
2. Restitution - Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
3. Scholastic penalties - The assignment of a failing grade on an assignment or examination or in a course by an instructor based on scholastic dishonesty; including cheating, collusion, and plagiarism; committed by a student. The instructor shall submit a written report of the incident and of the planned action to the instructor's dean.
4. Conditional Probation - The placing of a student on notice that continued infraction of regulations may result in suspension or expulsion from the College District. Conditional probation may include restrictions on a student's rights and privileges or specified community service. The probation may be for a specified length of time or for an indefinite period according to the relative severity of the infraction or misconduct. Failure to fulfill the terms of the probation may lead to suspension or expulsion.
5. Suspension - Forced withdrawal from the College District for either a definite period of time or until stated conditions have been met. Normally, suspension shall extend through a minimum of one regular long semester (with summer sessions not counting in the one semester minimum time lapse). However, suspension may exceed the one semester minimum.
6. Expulsion - Permanent forced withdrawal from the College District. A student receiving disciplinary expulsion shall have the action noted in the student's permanent record.

Suspended or
Expelled Students

No former student who has been suspended or expelled from the College District for disciplinary reasons shall be permitted on the campus or other facilities of the College District, initiated into an honorary or service organization, or permitted to receive credit for

academic work done in residence or by correspondence or extension during the period of suspension or expulsion without the prior written approval of the College President or a designated representative.

Disciplinary Record

The College District shall maintain for every student alleged or determined to have committed misconduct at the College District, a disciplinary record that shall reflect the charge, the disposition of the charge, the sanction assessed, if any, and any other pertinent information. The disciplinary record shall be separate from the student's academic record and shall be treated as confidential; the contents shall not be revealed except on request of the student or in accordance with applicable state or federal laws.

The disciplinary record shall be maintained permanently in the event that a student is expelled or subject to an extended suspension. In all other cases, the disciplinary record shall be maintained in accordance with the College District's record retention schedule.

Publication

Information regarding student discipline described in College District policies and accompanying procedures shall be published in the student handbook.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: A BASIC DISTRICT FOUNDATIONS

Policy: AFA Institutional Effectiveness – Performance and Institution Reports

Summary of *LEGAL* Policy:

NOTE: AFA 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. This policy lists the reports required by various state and educational agencies and gives instructions for reporting.

The reports include (but are not limited to)

- Annual Performance Report
- Customer Service
- College District Resume
- Student Enrollment Report
- Cost of Attendance
- Required Institutional Information
- Notice to Enrolled Students
- Prospective Student Reports

KC is in compliance and all mandated reports are completed as required according to the guidelines within the policy.

INSTITUTIONAL EFFECTIVENESS
PERFORMANCE AND INSTITUTION REPORTSAFA
(LEGAL)**Annual Performance
Report**

As soon as practicable after the end of each academic year, a junior college district shall prepare an annual performance report for that academic year. The report shall be prepared in a form that would enable any interested person, including a prospective student, to understand the information in the report and to compare the information to similar information for other junior college districts. A junior college district shall make the report available to any person on request.

The report must include the following information for the junior college district for the academic year covered by the report:

1. The rate at which students completed courses attempted;
2. The number and types of degrees and certificates awarded;
3. The percentage of graduates who passed licensing exams related to the degree or certificate awarded, to the extent the information can be determined;
4. The number of students or graduates who transfer to or are admitted to a public university;
5. The passing rates for students required to be tested under Education Code 51.306;
6. The percentage of students enrolled who are academically disadvantaged;
7. The percentage of students enrolled who are economically disadvantaged;
8. The racial and ethnic composition of the district's student body; and
9. The percentage of student contact hours taught by full-time faculty.

The Legislative Budget Board (LBB) shall be responsible for recommending standards for reports under this section, in consultation with junior college districts, the Coordinating Board, the governor's Office of Budget and Policy (OBP), and the state auditor.

*Education Code 130.0035***Customer Service**

Customer Input

Not later than June 1 of each even-numbered year and on request of the LBB or the governor's OBP, a state agency, including a college district, shall report on the information described below to the LBB and the governor's OBP.

A state agency shall create an inventory of external customers for each budget strategy listed in the General Appropriations Act for that agency.

Each agency shall gather information from customers using surveys, focus groups, mobile and web applications, or other appropriate methods approved by the governor's OBP and the LBB regarding the quality of service delivered by that agency. The information requested shall be as specified by the governor's OBP and the LBB and may include evaluations of the agency's:

1. Facilities, including the customer's ability to access that agency, the office location, signs, and cleanliness;
2. Staff, including employee courtesy, friendliness, and knowledgeability, and whether staff members adequately identify themselves to customers by name, including the use of name plates or tags for accountability;
3. Communications, including toll-free telephone access, the average time a customer spends on hold, call transfers, access to a live person, letters, electronic mail, and any applicable text messaging or mobile applications;
4. Internet site, including the ease of use of the site, mobile access to the site, information on the location of the site and the agency, and information accessible through the site such as a listing of services and programs and whom to contact for further information or to complain;
5. Complaint-handling process, including whether it is easy to file a complaint and whether responses are timely;
6. Ability to timely serve its customers, including the amount of time a customer waits for service in person, by phone, by letter, or at a website; and
7. Brochures or other printed information, including the accuracy of that information.

Each agency maintains ownership of the information gathered under this section.

Gov't Code 2114.002

Customer Relations
Representative

A state agency shall appoint a customer relations representative. The representative shall:

1. Coordinate the state agency's customer service performance measurement under Government Code Chapter 2114;

2. Gather information and evaluations from the public about an agency's customer service;
3. Respond to customer concerns; and
4. Establish the agency's Compact With Texans.

Each state agency shall create a "Compact With Texans." The compact must be approved by the governor's OBP and the LBB. Each Compact With Texans shall set customer service standards and describe customer service principles for that agency and address:

1. The agency's procedures for responding to public contacts and complaints;
2. Applicable licensing and certification procedures; and
3. Customer waiting time for access and service delivery and responses to complaints.

Each agency that maintains a website shall publish its Compact With Texans on that website.

Gov't Code 2114.006

**College District
Resumes**

Each institution of higher education, including each college district, shall:

1. Submit to the Coordinating Board any information requested by the Coordinating Board as necessary for the Coordinating Board to include information or calculate data required to be included in the institution's resumes, described in Education Code Chapter 51A, Subchapter C; and
2. Ensure that the first frame of the institution's internet website home page includes, in a font that is larger than the font of the majority of the text on the home page, an accessible link to the institution's online resumes maintained on the Coordinating Board's internet website.

An institution may satisfy a requirement of Education Code Chapter 51A relating to student loan, grant, or scholarship information by linking the online resume of the institution to that information as it appears on the website known as "College Navigator," or a successor or related website, maintained by the National Center for Education Statistics of the U.S. Department of Education.

Education Code 51A.003-.004

**Student Enrollment
Status Report**

In the form and manner and at the times required by the Coordinating Board, a junior college district shall report to the Coordinating

Board on the enrollment status of students of the junior college district. The report must include information on:

1. Students seeking a degree;
2. Students seeking a certificate;
3. Students enrolled in workforce continuing education courses;
4. Students enrolled in college credit courses who are not seeking a degree or certificate;
5. Students enrolled in courses for credit to transfer to another institution;
6. Students enrolled in developmental education courses by course level; and
7. Enrollment in other categories as specified by the Coordinating Board.

Education Code 130.0036(a)

Cost of Attendance

Each institution of higher education, including each college district, that offers an undergraduate degree or certificate program shall prominently display on the institution's internet website the cost of attendance for a first-time entering full-time student in accordance with the uniform standards prescribed by the commissioner. These standards may be updated on an annual basis. In addition, each institution must provide a link to the [Free Application for Federal Student Aid \(FAFSA\)](#)¹ website.

The institution shall conform to the uniform standards prescribed by the commissioner in any electronic or printed materials intended to provide information regarding the cost of attendance to prospective undergraduate students.

The uniform standards prescribed by the commissioner shall also be considered by institutions when providing information regarding the cost of attendance for nonresident students or students enrolled in professional programs.

Institutions shall provide the Coordinating Board, upon request at least annually, any information necessary for the Coordinating Board staff to calculate the net cost of attendance for a first-time entering full-time student.

Education Code 61.0777(c)–(d); 19 TAC 21.2222(a)–(d)

Dissemination of Institutional Information

An institution, including a college district, must make available to any enrolled student or prospective student through appropriate publications, mailings or electronic media, information concerning:

INSTITUTIONAL EFFECTIVENESS
PERFORMANCE AND INSTITUTION REPORTS

AFA
(LEGAL)

1. Financial assistance available to students enrolled in the institution. [See FEA]
2. The institution pursuant to this section.
3. The institution's retention rate as reported to the Integrated Postsecondary Education Data System. In the case of a request from a prospective student, the information must be made available prior to the student's enrolling or entering into any financial obligation with the institution. [See EGC]
4. The institution's completion or graduation rate and, if applicable, its transfer-out rate. In the case of a request from a prospective student, the information must be made available prior to the student's enrolling or entering into any financial obligation with the institution. [See EGC]
5. The placement of, and types of employment obtained by, graduates of the institution's degree or certificate programs.
6. The types of graduate and professional education in which graduates of the institution's four-year degree programs enroll.

20 U.S.C. 1092(a); 34 C.F.R. 668.41(d)

Required
Information

Institutional information that the institution must make readily available to enrolled and prospective students under 34 C.F.R. Part 668, Subpart D, includes, but is not limited to:

1. The cost of attending the institution, including tuition and fees charged to full-time and part-time students, estimates of costs for necessary books and supplies, estimates of typical charges for room and board, estimates of transportation costs for students, and any additional cost of the program in which the student is enrolled or expresses a specific interest [see FD];
2. Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution [see FD];
3. The requirements and procedures for officially withdrawing from the institution;
4. A summary of the requirements under 34 C.F.R. 668.22 for the return of Title IV grant or loan assistance [see FEA];
5. The academic program of the institution, including:
 - a. The current degree programs and other educational and training programs [see EFBA and EFBB];

- b. The instructional, laboratory, and other physical facilities which relate to the academic program;
 - c. The institution's faculty and other instructional personnel;
 - d. Any plans by the institution for improving the academic program of the institution, upon a determination by the institution that such a plan exists;
 - e. If an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, information regarding whether completion of that program would be sufficient to meet licensure requirements in a state for that occupation, including:
 - (1) A list of all states for which the institution has determined that its curriculum meets the state educational requirements for licensure or certification;
 - (2) A list of all states for which the institution has determined that its curriculum does not meet the state educational requirements for licensure or certification; and
 - (3) A list of all states for which the institution has not made a determination that its curriculum meets the state educational requirements for licensure or certification;
 - f. If a prison education program, as defined in 34 C.F.R. 668.236, is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, as described in 34 C.F.R. 668.236(a)(7)–(8), information regarding whether that occupation typically involves state or federal prohibitions on the licensure or employment of formerly confined or incarcerated individuals in any other state for which the institution has made a determination about state prohibitions on the licensure or certification of formerly confined or incarcerated individuals;
6. The names of associations, agencies, or governmental bodies that accredit, approve, or license the institution and its programs, and the procedures by which documents describing that activity may be reviewed under 34 C.F.R. 668.43(b);
7. A description of the services and facilities available to students with disabilities, including students with intellectual dis-

- abilities as defined in 34 C.F.R. Part 668, Subpart O [see EFCA];
8. The titles of persons designated under 34 C.F.R. 668.44, below, and information regarding how and where those persons may be contacted;
 9. A statement that a student's enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment at the home institution for the purpose of applying for assistance under the Title IV, Higher Education Act (HEA) programs;
 10. Institutional policies and sanctions related to copyright infringement [see CT], including:
 - a. A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
 - b. A summary of the penalties for violation of federal copyright laws; and
 - c. A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system;
 11. A description of the transfer of credit policies established by the institution [see EGA], which must include a statement of the institution's current transfer of credit policies that includes, at a minimum:
 - a. Any established criteria the institution uses regarding the transfer of credit earned at another institution and any types of institutions or sources from which the institution will not accept credits;
 - b. A list of institutions with which the institution has established an articulation agreement; and
 - c. Written criteria used to evaluate and award credit for prior learning experience including, but not limited to, service in the armed forces, paid or unpaid employment, or other demonstrated competency or learning;

12. A description of written arrangements the institution has entered into in accordance with 34 C.F.R. 668.5, including, but not limited to, information on:
 - a. The portion of the educational program that the institution that grants the degree or certificate is not providing;
 - b. The name and location of the other institutions or organizations that are providing the portion of the educational program that the institution that grants the degree or certificate is not providing;
 - c. The method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
 - d. Estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement;
13. The percentage of those enrolled, full-time students who:
 - a. Are male;
 - b. Are female;
 - c. Receive a Federal Pell Grant; and
 - d. Are a self-identified member of a racial or ethnic group;
14. If the institution's accrediting agency or state requires the institution to calculate and report a placement rate, the institution's placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, state data systems, or other relevant sources approved by the institution's accrediting agency as applicable;
15. The types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, state data systems, or other relevant sources;
16. The fire safety report prepared by the institution pursuant to 34 C.F.R. 668.49 [see FG];
17. The retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering the institution;
18. Institutional policies regarding vaccinations [see FFAA];

19. If the institution is required to maintain a teach-out plan by its accrediting agency, notice that the institution is required to maintain such teach-out plan and the reason that the accrediting agency required such plan under 34 C.F.R. 602.24(c)(1); and
20. If an enforcement action or prosecution is brought against the institution by a state or federal law enforcement agency in any matter where a final judgment against the institution, if rendered, would result in an adverse action by an accrediting agency against the institution, revocation of state authorization, or limitation, suspension, or termination of eligibility under Title IV, notice of that fact.

20 U.S.C. 1092(a); 34 C.F.R. 668.43(a)

The institution must make available for review to any enrolled or prospective student upon request, a copy of the documents describing the institution's accreditation and its state, federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its state approval or licensing entity and any other relevant state official or agency that would appropriately handle a student's complaint. *20 U.S.C. 1092(a); 34 C.F.R. 668.43(b)*

Notice to Enrolled
Students

An institution annually must distribute to all enrolled students a notice of the availability of the information required to be disclosed pursuant to 34 C.F.R. 668.41(d)–(g) [see above, EGC, FG, FK, GCC] and pursuant to 34 C.F.R. 99.7. The notice must list and briefly describe the information and tell the student how to obtain the information. *34 C.F.R. 668.41(c)(1)*

An institution that discloses information to enrolled students as required under 34 C.F.R. 668.41(d)–(g) by posting the information on an internet website or an intranet website must include in the notice described in 34 C.F.R. 668.41(c)(1):

1. The exact electronic address at which the information is posted; and
2. A statement that the institution will provide a paper copy of the information on request.

34 C.F.R. 668.41(c)(2)

Disclosure Through
Internet or Intranet
Websites

Subject to 34 C.F.R. 668.41(c)(2), 34 C.F.R. 661.41(e)(2)–(4), or 34 C.F.R. 661.41(g)(1)(ii), as appropriate, an institution may satisfy any requirement to disclose information under 34 C.F.R. 668.41(d)–(g) for:

1. Enrolled students or current employees by posting the information on an internet website or an intranet website that is reasonably accessible to the individuals to whom the information must be disclosed; and
2. Prospective students or prospective employees by posting the information on an internet website.

34 C.F.R. 668.41(b)

Employees
Available to
Disseminate
Information

Except as provided below, each institution shall designate an employee or group of employees who shall be available on a full-time basis to assist enrolled or prospective students in obtaining the information specified in 34 C.F.R. 668.42, 668.43, 668.45 and 668.46.

If the institution designates one person, that person shall be available, upon reasonable notice, to any enrolled or prospective student throughout the normal administrative working hours of that institution. If more than one person is designated, their combined work schedules must be arranged so that at least one of them is available, upon reasonable notice, throughout the normal administrative working hours of that institution.

The U.S. Secretary of Education may waive the requirement that the designated employee or group of employees be available on a full-time basis if the institution's total enrollment, or the portion of the enrollment participating in the Title IV, Higher Education Act (HEA) programs, is too small to necessitate an employee or group of employees being available on a full-time basis. To receive a waiver, the institution shall apply to the Secretary at the time and in the manner prescribed by the Secretary.

The granting of a waiver does not exempt an institution from designating a specific employee or group of employees to carry out on a part-time basis the information dissemination requirements.

34 C.F.R. 668.44

Prospective
Employee

The term "prospective employee" means an individual who has contacted an eligible institution for the purpose of requesting information concerning employment with that institution. *34 C.F.R. 668.41(a)*

Prospective Student

The term "prospective student" means an individual who has contacted an eligible institution requesting information concerning admission to that institution. *34 C.F.R. 668.41(a)*

**Postsecondary and
Career Information**

In accordance with Education Code 7.040, the Texas Education Agency (TEA) shall prepare information comparing institutions of

higher education in this state and post the information on the agency's internet website. Each institution of higher education, including each college district, shall include on its internet website, in a prominent location that is not more than three hyperlinks from the website's home page, a link to the information posted on the TEA's internet website. *Education Code 7.040(a), (c)*

¹ Free Application for Federal Student Aid (FAFSA): <https://fafsa.gov>

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CAAB State & Federal Revenue Sources - Federal

Summary of *LEGAL* Policy:

NOTE: CAAB 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. The Legal policy outlines the rules and regulations associated with soliciting and receipt of Federal funds; and their subsequent disbursement.

STATE AND FEDERAL REVENUE SOURCES
FEDERALCAAB
(LEGAL)**Perkins Grants**

Except as provided in 20 U.S.C. 2352(b) and (c) and 20 U.S.C. 2353, each eligible agency, including the Coordinating Board, shall distribute the portion of the funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year to eligible institutions or consortia of eligible institutions within the state.

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of 20 U.S.C. 2355 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the state for such year.

20 U.S.C. 2352(a)(1)–(2)

**Retirement
Contributions**

If an employer, including a college district, applies for money provided by the United States or an agency of the United States and if any of the money will pay part or all of any employee's salary, the employer shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201 in accordance with Government Code 825.406.

An employer who fails to comply with Government Code 825.406 may not, after the failure, apply for or spend any money from a federal or private grant. The attorney general shall bring a writ of mandamus against the employer to compel compliance.

A person commits an offense if the person is an administrator of an employer and knowingly fails to comply with Government Code 825.406.

Gov't Code 825.406 [See CAM]

**Requests for Federal
Financial Assistance**

The governing body of a local government, including a college district, by order or resolution may request that the governor or the designated state agency act on behalf of the local government in any matter relating to:

1. A request for federal financial assistance; or
2. An agreement, assurance of compliance, requirement, or enforcement action relating to the request.

Gov't Code 742.004

A governing body of a local government that has requested that the governor or the designated state agency act on behalf of the local

government under Government Code 742.004(a) shall submit to the governor or the designated state agency each application for federal financial assistance. The governor or the designated state agency shall approve or disapprove the application.

The governing body of a local government by order or resolution may revoke the request and the authority delegated by the request to the governor or designated state agency.

Gov't Code 742.005

**Administration of
Federal Awards**

The U.S. Office of Management and Budget (OMB), in 2 C.F.R. Part 200, establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, as described in 2 C.F.R. 200.101. Federal awarding agencies must not impose additional or inconsistent requirements, except as provided in 2 C.F.R. 200.102 and 200.211, or unless specifically required by federal statute, regulation, or Executive Order. *2 C.F.R. 200.100(a)(1)*

The non-federal entity is responsible for complying with all requirements of the federal award. For all federal awards, this includes the provisions of the Federal Funding Accountability and Transparency Act (FFATA), which includes requirements on executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 and 2 C.F.R. Part 170. See also statutory requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310. *2 C.F.R. 200.300(b)*

“Non-federal entity” (NFE) means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a federal award as a recipient or subrecipient. *2 C.F.R. 200.1*

**Financial
Management**

Each state must expend and account for the federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-federal entity's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. See also 2 C.F.R. 200.450.

The financial management system of each non-federal entity must provide for the following (see also 2 C.F.R. 200.334, 200.335, 200.336, and 200.337):

1. Identification, in its accounts, of all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the Assistance Listings title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
2. Accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the reporting requirements set forth in 2 C.F.R. 200.328 and 200.329. If a federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
3. Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
4. Effective control over, and accountability for, all funds, property, and other assets. The non-federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See 2 C.F.R. 200.303.
5. Comparison of expenditures with budget amounts for each federal award.
6. Written procedures to implement the requirements of 2 C.F.R. 200.305.
7. Written procedures for determining the allowability of costs in accordance with 2 C.F.R. Part 200, Subpart E and the terms and conditions of the federal award.

2 C.F.R. 200.302

Internal Controls

The non-federal entity must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal awards.
3. Evaluate and monitor the non-federal entity's compliance with statutes, regulations, and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the non-federal entity considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

Advanced Payment

The non-federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-federal entity, and financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. Advance payments to a non-federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-federal entity must make timely payment to contractors in accordance with the contract provisions.

Standards governing the use of banks and other institutions as depositories of advance payments under federal awards are as follows:

1. The federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-federal entity or establish any eligibility requirements for depositories for funds provided to the non-federal entity. However, the non-federal entity must be able to account for funds received, obligated, and expended.
2. Advance payments of federal funds must be deposited and maintained in insured accounts whenever possible.

The non-federal entity must maintain advance payments of federal awards in interest-bearing accounts, unless the following apply:

1. The non-federal entity receives less than \$250,000 in federal awards per year.
2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances.
3. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

Interest earned amounts up to \$500 per year may be retained by the non-federal entity for administrative expense. Any additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually as described by 2 C.F.R. 200.305(b)(9).

2 C.F.R. 200.305(b)(1), (7)–(9)

Budgets and
Program Plans

Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from federal awarding agencies for budget and program plan revisions, in accordance with 2 C.F.R. 200.308. *2 C.F.R. 200.308(b)*

Cost Principles

The cost principles described by 2 C.F.R. Part 200, Subpart E must be used in determining the allowable costs of work performed by the non-federal entity under federal awards. These principles also must be used by the non-federal entity as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CAAB
(LEGAL)

1. Arrangements under which federal financing is in the form of loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees.
2. For institutions of higher education, capitation awards, which are awards based on case counts or number of beneficiaries according to the terms and conditions of the federal award.
3. Fixed amount awards. See also 2 C.F.R. 200.1 Definitions and 200.201.
4. Federal awards to hospitals (see Appendix IX to 2 C.F.R. Part 200).
5. Other awards under which the non-federal entity is not required to account to the federal government for actual costs incurred.

The application of these cost principles is based on the fundamental premises that:

1. The non-federal entity is responsible for the efficient and effective administration of the federal award through the application of sound management practices.
2. The non-federal entity assumes responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the federal award.
3. The non-federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the federal award.
4. The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-federal entity. However, the accounting practices of the non-federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the federal award.
5. In reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-federal entity is

applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-federal entity, the reasonableness and equity of such treatments should be fully considered. See the definition of indirect (facilities & administrative (F&A)) costs in 2 C.F.R. 200.1.

6. For non-federal entities that educate and engage students in research, the dual role of students as both trainees and employees, including pre- and post-doctoral staff, contributing to the completion of federal awards for research must be recognized in the application of these principles.
7. The non-federal entity may not earn or keep any profit resulting from federal financial assistance, unless explicitly authorized by the terms and conditions of the federal award. See also 2 C.F.R. 200.307.

2 C.F.R. 200.400, .401(a)

Cost Sharing	Cost sharing related to federal awards is subject to 2 C.F.R. 200.306. <i>2 C.F.R. 200.306</i>
Program Income	Non-federal entities are encouraged to earn income to defray program costs where appropriate. Such income is subject to 2 C.F.R. 200.307. <i>2 C.F.R. 200.307</i>
Period of Performance	If a federal awarding agency or pass-through entity approves an extension, or if a recipient extends under 2 C.F.R. 200.308(e)(2), the period of performance will be amended to end at the completion of the extension. If a termination occurs, the period of performance will be amended to end upon the effective date of termination. If a renewal award is issued, a distinct period of performance will begin. <i>2 C.F.R. 200.309</i>
Conflict of Interest	The non-federal entity must disclose in writing any potential conflict of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy. <i>2 C.F.R. 200.112</i>
<i>Procurement</i>	The non-federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ

any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. *2 C.F.R. 200.318(c)(1)*

Restricted
Contracts

Federal awarding agencies and recipients are subject to the regulations implementing Never Contract with the Enemy in 2 C.F.R. Part 183. The regulations in 2 C.F.R. Part 183 affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities. *2 C.F.R. 200.215*

Property Standards
Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under a federal award will vest upon acquisition in the non-federal entity.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-federal entity must not dispose of or encumber its title or other interests.

When real property is no longer needed for the originally authorized purpose, the non-federal entity must obtain disposition instructions from the federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the federal awarding agency as described by 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency as described by 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The non-federal entity is entitled to be paid as described by 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Subject to the requirements and conditions set forth in this section, title to equipment acquired under a federal award will vest upon acquisition in the non-federal entity. Unless a statute specifically authorizes the federal agency to vest title in the non-federal entity without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the non-federal entity subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with 2 C.F.R. 200.313(b), (c), and (e).

Procedures for managing equipment, including replacement equipment, whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

2 C.F.R. 200.313(a), (d)

Supplies

Title to supplies will vest in the non-federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the non-federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2).

As long as the federal government retains an interest in the supplies, the non-federal entity must not use supplies acquired under a federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by federal statute.

2 C.F.R. 200.314

Federally Owned Property

Title to federally owned property remains vested in the federal government. The non-federal entity must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the non-federal entity must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the non-federal entity without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt federally owned property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

*Intangible
Property*

Title to intangible property acquired under a federal award vests upon acquisition in the non-federal entity. The non-federal entity must use that property for the originally authorized purpose and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e).

The non-federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes, and to authorize others to do so.

The non-federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the U.S. Department of Commerce at 37 C.F.R. Part 401.

2 C.F.R. 200.315

*Property Trust
Relationship*

Real property, equipment, and intangible property, that are acquired or improved with a federal award, must be held in trust by the non-federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal awarding agency may require the non-federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

*Insurance
Coverage*

The non-federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured

	unless required by the terms and conditions of the federal award. 2 C.F.R. 200.310
Procurement <i>Generally</i>	The non-federal entity must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a federal award or subaward. The non-federal entity's documented procurement procedures must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327. 2 C.F.R. 200.318(a)
<i>Eligible Contractors</i>	The non-federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also 2 C.F.R. 200.214. 2 C.F.R. 200.318(h)
Contracting with Certain Businesses	The non-federal entity must take all necessary affirmative steps, including those described by 2 C.F.R. 200.321, to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. 2 C.F.R. 200.321(a)
<i>Competition</i>	All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320. 2 C.F.R. 200.319(a)
<i>Methods of Procurement</i>	The non-federal entity must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 2 C.F.R. 200.317, 200.318, and 200.319 for any of the methods of procurement used for the acquisition of property or services required under a federal award or sub-award. 2 C.F.R. 200.320
Informal Procurement Methods	When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold (SAT) or a lower threshold established by a non-federal entity, formal procurement methods are not required. The non-federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include: <ol style="list-style-type: none">1. Micro-purchases: The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the maximum extent practicable, the non-federal entity should distribute micro-purchases equitably

among qualified suppliers. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-federal entity considers the price to be reasonable based on research, experience, purchase history, or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-federal entity. The micro-purchase method is subject to the requirements of 2 C.F.R. 200.320(a)(1).

2. Small purchases: The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-federal entity. The small purchases method is subject to the requirements of 2 C.F.R. 200.320(a)(2).

2 C.F.R. 200.320(a)

Formal
Procurement
Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, or a lower threshold established by a non-federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or the noncompetitive procurement procedures below. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-federal entity determines to be appropriate:

1. Sealed bids: A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions. The sealed bid method is subject to the requirements of 2 C.F.R. 200.320(b)(1).
2. Proposals: A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. Proposals are awarded in accordance with the requirements described by 2 C.F.R. 200.320(b)(2).

2 C.F.R. 200.320(b)

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CAAB
(LEGAL)

Noncompetitive Procurement	<p>There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:</p> <ol style="list-style-type: none">1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;2. The item is available only from a single source;3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-federal entity; or5. After solicitation of a number of sources, competition is determined inadequate.
<i>Domestic Preference</i>	<p><i>2 C.F.R. 200.320(c)</i></p> <p>As appropriate and to the extent consistent with law, the non-federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, including but not limited to iron, aluminum, steel, cement, and other manufactured products. The requirements of 2 C.F.R. 300.022 must be included in all subawards including all contracts and purchase orders for work or products under this award.</p> <p>“Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.</p> <p>“Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.</p>
<i>Contract Provisions</i>	<p><i>2 C.F.R. 200.322</i></p> <p>The non-federal entity's contracts must contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200. <i>2 C.F.R. 200.327</i></p>
<i>Time and Materials Contracts</i>	<p>The non-federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at</p>

its own risk. Time-and-materials type contract means a contract whose cost to a non-federal entity is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

2 C.F.R. 200.318(j)

*Contract Cost
and Price*

The non-federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-federal entity must make independent estimates before receiving bids or proposals.

The non-federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-federal entity under 2 C.F.R. Part 200, Subpart E. The non-federal entity may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

Cost
Effectiveness

The non-federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to

consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the non-federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

The non-federal entity is encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The non-federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

2 C.F.R. 200.318(d)–(g)

*Procurement of
Certain Services
and Equipment*

Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract, or extend or renew a contract, to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services, as described by 2 C.F.R. 200.316, as a substantial or essential component of any system, or as critical technology as part of any system. *2 C.F.R. 200.318(a)*

*Procurement of
Recovered
Materials*

A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and estab-

	lishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. <i>2 C.F.R. 200.323</i>
<i>Bonding Requirements</i>	For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-federal entity in accordance with 2 C.F.R. 200.326. <i>2 C.F.R. 200.326</i>
<i>Oversight</i>	Non-federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. <i>2 C.F.R. 200.318(b)</i>
By Non-Federal Entities	
By Other Governmental Entities	The non-federal entity must make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-federal entity desires to have the review accomplished after a solicitation has been developed, the federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
	The non-federal entity must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
	<ol style="list-style-type: none">1. The non-federal entity's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;2. The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;3. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;4. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

The non-federal entity is exempt from the pre-procurement review if the federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of 2 C.F.R. Part 200.

The non-federal entity may request that its procurement system be reviewed by the federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

The non-federal entity may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the non-federal entity that it is complying with these standards. The non-federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

2 C.F.R. 200.325

*Settlement of
Contractual and
Administrative
Issues*

The non-federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-federal entity of any contractual responsibilities under its contracts. The federal awarding agency will not substitute its judgment for that of the non-federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction. *2 C.F.R. 200.318(k)*

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-federal entity's non-federally funded activities and in accordance with non-federal entity's written travel reimbursement policies. Notwithstanding the provisions of 2 C.F.R. 200.444, travel costs of officials covered by that section are allowable with the prior written approval of the fed-

eral awarding agency or pass-through entity when they are specifically related to the federal award. Charges for travel costs are subject to 2 C.F.R. 200.475. *2 C.F.R. 200.475(a)*

Records

*Records
Retention*

Generally

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-federal entities with the exception of those situations described by 2 C.F.R. 200.334. *2 C.F.R. 200.334*

Procurement

The non-federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. *2 C.F.R. 200.318(i)*

*Methods for
Collection,
Transmission,
and Storage of
Information*

The federal awarding agency and the non-federal entity should, whenever practicable, collect, transmit, and store federal award-related information in open and machine-readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system. The federal awarding agency or pass-through entity must always provide or accept paper versions of federal award-related information to and from the non-federal entity upon request. If paper copies are submitted, the federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable. *2 C.F.R. 200.336*

*Access to
Records*

By
Governmental
Entities

The federal awarding agency, Inspector General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-federal entity which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-federal entity's personnel

for the purpose of interview and discussion related to such documents. The rights of access are not limited to the required retention period but last as long as the records are retained.

Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-federal entity and the federal awarding agency.

2 C.F.R. 200.337

By the Public

No federal awarding agency may place restrictions on the non-federal entity that limit public access to the records of the non-federal entity pertinent to a federal award, except for protected personally identifiable information (PII) or when the federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act, 5 U.S.C. 552, or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the federal awarding agency. The Freedom of Information Act (FOIA), 5 U.S.C. 552, does not apply to those records that remain under a non-federal entity's control except as required under 2 C.F.R. 200.315. Unless required by federal, state, local, and tribal statute, non-federal entities are not required to permit public access to their records. The non-federal entity's records provided to a federal agency generally will be subject to FOIA and applicable exemptions. *2 C.F.R. 200.338*

Performance
Reports

*Monitoring
Required*

The non-federal entity is responsible for oversight of the operations of the federal award supported activities. The non-federal entity must monitor its activities under federal awards to assure compliance with applicable federal requirements and performance expectations are being achieved. Monitoring by the non-federal entity must cover each program, function, or activity. See also 2 C.F.R. 200.332. *2 C.F.R. 200.329(a)*

*Reporting
Generally*

The federal awarding agency must use OMB-approved common information collections, as applicable, when providing financial and performance reporting information. As appropriate and in accordance with above-mentioned information collections, the federal awarding agency must require the recipient to relate financial data and accomplishments to performance goals and objectives of the federal award. Also, in accordance with above-mentioned common information collections, and when required by the terms and conditions of the federal award, recipients must provide cost information to demonstrate cost-effective practices (e.g., through unit-cost

data). In some instances (e.g., discretionary research awards), this will be limited to the requirement to submit technical performance reports (to be evaluated in accordance with federal awarding agency policy). Reporting requirements must be clearly articulated such that, where appropriate, performance during the execution of the federal award has a standard against which non-federal entity performance can be measured. 2 C.F.R. 200.329(b)

*Nonconstruction
Performance
Reports*

The federal awarding agency must use standard, governmentwide OMB-approved data elements for collection of performance information, including performance progress reports, Research Performance Progress Reports.

The non-federal entity must submit performance reports at the interval required by the federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the federal award or could significantly affect program outcomes. Reports submitted annually by the non-federal entity and/or pass-through entity must be due no later than 90 calendar days after the reporting period. Reports submitted quarterly or semiannually reports must be due no later than 30 calendar days after the reporting period. Alternatively, the federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year federal awards. The final performance report submitted by the non-federal entity and/or pass-through entity must be due no later than 120 calendar days after the period of performance end date. A subrecipient must submit to the pass-through entity, no later than 90 calendar days after the period of performance end date, all final performance reports as required by the terms and conditions of the federal award. See also 2 C.F.R. 200.344. If a justified request is submitted by a non-federal entity, the federal agency may extend the due date for any performance report.

As appropriate in accordance with above-mentioned performance reporting, these reports will contain, for each federal award, brief information on the following unless other data elements are approved by OMB in the agency information collection request:

1. A comparison of actual accomplishments to the objectives of the federal award established for the period. Where the accomplishments of the federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful.

Where performance trend data and analysis would be informative to the federal awarding agency program, the federal awarding agency should include this as a performance reporting requirement.

2. The reasons why established goals were not met, if appropriate.
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

2 C.F.R. 200.329(c)

*Construction
Performance
Reports*

For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by federal awarding agencies and pass-through entities to monitor progress under federal awards and subawards for construction. The federal awarding agency may require additional performance reports only when considered necessary. *2 C.F.R. 200.329(d)*

*Significant
Developments*

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-federal entity must inform the federal awarding agency or pass-through entity as soon as the following types of conditions become known:

1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
2. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

2 C.F.R. 200.329(e)

Site Visits

The federal awarding agency may make site visits as warranted by program needs. *2 C.F.R. 200.329(f)*

Waiver

The federal awarding agency may waive any performance report required by 2 C.F.R. Part 200 if not needed. *2 C.F.R. 200.329(g)*

*Real Property
Reports*

The federal awarding agency or pass-through entity must require a non-federal entity to submit reports at least annually on the status of real property in which the federal government retains an interest in accordance with 2 C.F.R. 200.330. *2 C.F.R. 200.330*

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CAAB
(LEGAL)

Audits A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. Part 200. A non-federal entity that expends less than \$750,000 during the non-federal entity's fiscal year in federal awards is exempt from federal audit requirements for that year, except as noted in 2 C.F.R. 200.503, but records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and Government Accountability Office (GAO). *2 C.F.R. 200.501(a), (d)*

Collection of Amounts Due Any funds paid to the non-federal entity in excess of the amount to which the non-federal entity is finally determined to be entitled under the terms of the federal award constitute a debt to the federal government. If not paid within 90 calendar days after demand, the federal awarding agency may reduce the debt by:

1. Making an administrative offset against other requests for reimbursements;
2. Withholding advance payments otherwise due to the non-federal entity; or
3. Other action permitted by federal statute.

Except where otherwise provided by statutes or regulations, the federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards, 31 C.F.R. Parts 900 through 999. The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

2 C.F.R. 200.346

Mandatory Disclosure The non-federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the term and condition outlined in Appendix XII to 2 C.F.R. Part 200 are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM) (currently Federal Awardee Performance and Integrity Information System or FAPIIS). Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339. (See also 2 C.F.R. Part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313) *2 C.F.R. 200.113*

- Noncompliance
- If a non-federal entity fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208. If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:
1. Temporarily withhold cash payments pending correction of the deficiency by the non-federal entity or more severe enforcement action by the federal awarding agency or pass-through entity.
 2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
 3. Wholly or partly suspend or terminate the federal award.
 4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations, or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency.
 5. Withhold further federal awards for the project or program.
 6. Take other remedies that may be legally available.

2 C.F.R. 200.339

*Opportunities to
Object*

Upon taking any remedy for non-compliance, the federal awarding agency must provide the non-federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the federal awarding agency. The federal awarding agency or pass-through entity must comply with any requirements for hearings, appeals, or other administrative proceedings to which the non-federal entity is entitled under any statute or regulation applicable to the action involved. *2 C.F.R. 200.342*

Suspension and
Debarment

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180. The regulations in 2 C.F.R. Part 180 restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

Termination of
Federal Award

The federal award may be terminated in whole or in part as follows:

1. By the federal awarding agency or pass-through entity, if a non-federal entity fails to comply with the terms and conditions of a federal award;
2. By the federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
3. By the federal awarding agency or pass-through entity with the consent of the non-federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
4. By the non-federal entity upon sending to the federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the federal award or subaward will not accomplish the purposes for which the federal award was made, the federal awarding agency or pass-through entity may terminate the federal award in its entirety; or
5. By the federal awarding agency or pass-through entity pursuant to termination provisions included in the federal award.

When a federal award is terminated or partially terminated, both the federal awarding agency or pass-through entity and the non-federal entity remain responsible for compliance with the requirements in 2 C.F.R. 200.344 and 200.345.

2 C.F.R. 200.340(a), (d)

U.S. Education
Department
General
Administrative
Regulations

The U.S. Department of Education adopts the OMB Guidance in 2 C.F.R. Part 200, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the Department. *2 C.F.R. 3474.1(a)*

*Direct Grant
Programs*

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the U.S. Department of Education. *34 C.F.R. 75.1(a)*

*State-
administered
Programs*

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the U.S. Department of Education. *34 C.F.R. 76.1(a)*

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CAAB
(LEGAL)

<i>General Education Provision Act</i>	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the U.S. Department of Education and implement Part E of the General Education Provisions Act (GEPA). <i>34 C.F.R. 81.1</i>
U.S. Department of Agriculture	Title 2 C.F.R. Part 400 adopts the OMB guidance in 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 400, as U.S. Department of Agriculture (USDA) policies and procedures for uniform administrative requirements, cost principles, and audit requirements for federal awards. It thereby gives regulatory effect for the USDA to the OMB guidance, as supplemented by 2 C.F.R. Part 400. <i>2 C.F.R. 400.1</i>
U.S. Department of Defense	<p>U.S. Department of Defense (DOD) components must conform the format of new grants and cooperative agreements to the standard award format specified in 2 C.F.R. Part 1120. The standard format provides locations within the award for:</p> <ol style="list-style-type: none">1. General terms and conditions, including the administrative and national policy requirements discussed in 2 C.F.R. 1104.105(a) and (b), respectively; and2. Any award-specific terms and conditions discussed in 2 C.F.R. 1104.110. <p><i>2 C.F.R. 1104.100</i></p> <p>On an interim basis pending completion of the update of the DOD Grant and Agreement Regulations (DODGARs) to implement OMB guidance published in 2 C.F.R. Part 200, the provisions of 2 C.F.R. Parts 1126 through 1138 govern the administrative requirements to be included in the general terms and conditions of DOD components' new grants and cooperative agreements awarded to institutions of higher education.</p> <p>2 C.F.R. Part 1122 governs the national policy requirements to be included in DOD components' new grants and cooperative agreements awarded to all types of entities.</p> <p><i>2 C.F.R. 1104.105(a)(1), (b)</i></p> <p>On an interim basis pending completion of the update of the DODGARs to implement OMB guidance published in 2 C.F.R. Part 200, the guidance in 2 C.F.R. Part 200 governs administrative requirements to be included in any award-specific terms and conditions used to supplement the general terms and conditions of a new grant or cooperative agreement awarded to an institution of higher education. <i>2 C.F.R. 1104.110(a)</i></p>

On an interim basis pending completion of the update of the DODGARs to implement OMB guidance published in 2 C.F.R. Part 200, DOD components' internal pre-award, time-of-award, and post-award procedures will continue to comply with requirements in 32 C.F.R. Parts 21 and 22 and other applicable defense grant and agreement regulatory system policies. *2 C.F.R. 1104.115*

U.S. Department of Health and Human Services

The U.S. Department of Health and Human Services (HHS) adopts the OMB Guidance in 2 C.F.R. Part 200, and has codified the text, with HHS-specific amendments in 45 C.F.R. Part 75. Thus, 2 C.F.R. Part 300 gives regulatory effect to the OMB guidance and supplements the guidance as needed for HHS. *2 C.F.R. 300.1*

U.S. Department of Justice

The U.S. Department of Justice adopts the OMB Guidance in 2 C.F.R. Part 200, except as otherwise may be provided by 2 C.F.R. Part 2800. Unless expressly provided otherwise, any reference in 2 C.F.R. Part 2800 to any provision of law not in 2 C.F.R. Part 2800 shall be understood to constitute a general reference and thus to include any subsequent changes to the provision. *2 C.F.R. 2800.101*

U.S. Department of Labor

The U.S. Department of Labor (DOL) adopts the OMB Guidance in the uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 2900, as the DOL policies and procedures for financial assistance administration. Part 2900 gives regulatory effect to the OMB guidance as supplemented by Part 2900. The DOL also has programmatic and administrative regulations located in C.F.R. Titles 20 and 29. *2 C.F.R. 2900.4*

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CGE Safety Program – Medical Treatment

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with this policy.

KC's AEDs (Automated External Defibrillators) are FDA approved. AEDs are located in each building on both the Kilgore and Longview campuses and are inspected monthly by KCPD officers.

NOTE: KC is not adopting the associated local policy because KC has opted not to allow KC employees or volunteers to administer epinephrine.

**Administration of
Epinephrine**

Definitions

Anaphylaxis

"Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen. *Education Code 51.881(2); 25 TAC 40.3(1)*

*Authorized
Health-care
Provider*

An "authorized health-care provider" means a physician, as defined in Education Code 51.881, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157 as described in Health and Safety Code 773.0145. *25 TAC 40.3(2)*

Campus

"Campus" means an educational unit under the management and control of an institution of higher education and may include, in addition to the main campus, off-campus and secondary locations, such as branch campuses, teaching locations, regional centers, and where students are housed. *Education Code 51.881(3); 25 TAC 40.3(3)*

*Epinephrine
Auto-Injector*

"Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis. *Education Code 51.881(4)*

*Unassigned
Epinephrine
Auto-Injector*

"Unassigned epinephrine auto-injector" means an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the institution of higher education issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, and issued by an authorized health-care provider. *25 TAC 40.3(6)*

Policy Permitted

An institution of higher education, including a college district, may adopt and implement a written policy regarding the maintenance, storage, administration, and disposal of unassigned epinephrine auto-injectors at each institution's campus. *Education Code 51.882(a); 25 TAC 40.2*

Contents

Each institution of higher education that adopts a policy must require that the institution's campuses have personnel or volunteers authorized and trained to administer an epinephrine auto-injector present.

If a policy is adopted, the policy must provide that personnel or volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on the institution's campus and may provide that personnel or volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is

reasonably believed to be experiencing anaphylaxis at an off-campus event or while in transit to or from an off-campus event sponsored by the institution of higher education.

In development of an epinephrine auto-injector policy, an institution shall include:

1. A designated campus department to coordinate and manage policy implementation that includes:
 - a. Conducting an assessment;
 - b. Training of institution personnel;
 - c. Acquiring or purchasing, storing, and using unassigned epinephrine auto-injectors; and
 - d. Disposing of expired unassigned epinephrine auto-injectors;
2. Personnel who can be trained to administer unassigned epinephrine auto-injectors;
3. Locations of unassigned epinephrine auto-injectors;
4. Procedures for notifying local emergency medical services when a person is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered; and
5. A plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration.

Education Code 51.882(b), (d); 25 TAC 40.5(c)

*Submission to
DSHS*

Each institution of higher education that adopts a policy shall submit to the Department of State Health Services (DSHS) a copy of the policy and any amendment to the policy adopted by the institution. DSHS shall maintain a record of the most recent policy and amendments submitted by each institution and shall make that information available to the public on request. *Education Code 51.882(a)–(d), (f); 25 TAC 40.5(e)*

Publication

Each institution of higher education that adopts a policy shall include the policy in the institution's student handbook or similar publication and publish the policy on the institution's internet website. The policy and the locations of the unassigned epinephrine auto-injector must be publicly available. *Education Code 51.882(d); 25 TAC 40.5(d)*

Availability of
Epinephrine Auto-
Injectors

An institution of higher education shall obtain a prescription from an authorized health-care provider each year to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each institution's campus as described in Education Code 51.885 and Health and Safety Code 773.0145. The number of additional adult packs may be determined by an individual campus assessment led by an authorized health-care provider, based on available resources. *25 TAC 40.5(a)*

Assessment

An institution performing an assessment may consider:

1. Consultation with campus police, office of risk management, office of food services, office of housing, office of health services, or any department involved with student well-being;
2. Campus geography, including high risk areas; and
3. Student population size.

25 TAC 40.5(b)

Prescription

A physician may prescribe, as described by Education Code 51.885, epinephrine auto-injectors in the name of an institution of higher education that adopts a policy. The physician shall provide the institution with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician periodically reviews the order and is available through direct telecommunication as needed for consultation, assistance, and direction.

Education Code 51.885(a), (c)

Report

Not later than the tenth business day after the date a personnel member or volunteer administers an epinephrine auto-injector in accordance with the policy, the institution of higher education shall report to the physician who prescribed the epinephrine auto-injector and the commissioner of state health services. The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a personnel member, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;

4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of state health services.

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on [DSHS's School Health Program website](#).¹

Education Code 51.883; 25 TAC 40.7(b)–(c)

Employee Training

Each institution of higher education that adopts a policy is responsible for training personnel or volunteers in the administration of an epinephrine auto-injector. The training must:

1. Include information on:
 - a. Recognizing the signs and symptoms of anaphylaxis;
 - b. Administering an epinephrine auto-injector;
 - c. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
 - d. Properly disposing of used or expired epinephrine auto-injectors; and
2. Be provided in a formal training session or through online education and be completed annually.

Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention.

Each institution shall maintain training records and each public institution shall make available upon request a list of those institution personnel or institution volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

Education Code 51.884; 25 TAC 40.6

Storage

The supply of epinephrine auto-injectors at a campus must be stored in a secure location and be easily accessible to personnel or volunteers authorized and trained to administer an epinephrine auto-injector. The unassigned epinephrine auto-injector must be stored in accordance with the manufacturer's guidelines. *Education Code 51.882(e); 25 TAC 40.5(d)*

Funding An institution of higher education may accept gifts, grants, donations, and federal funds to implement this section. *Education Code 51.886*

Immunity from Discipline A person who in good faith takes, or fails to take, any action under 25 Administrative Code Chapter 40, Subchapter A or Education Code Chapter 51, Subchapter Y-1 is immune from civil or criminal liability or disciplinary action resulting from that act or failure to act, including:

1. Issuing an order for epinephrine auto-injectors;
2. Supervising or delegating the administration of an epinephrine auto-injector;
3. Possessing an epinephrine auto-injector;
4. Maintaining an epinephrine auto-injector;
5. Storing an epinephrine auto-injector;
6. Disposing of an epinephrine auto-injector;
7. Prescribing an epinephrine auto-injector;
8. Dispensing an epinephrine auto-injector;
9. Administering, or assisting in administering, an epinephrine auto-injector;
10. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
11. Undertaking any other act permitted or required under Subchapter Y-1.

This immunity is in addition to other immunity or limitations of liability provided by law.

Education Code 51.888(a)–(b); 25 TAC 40.8

Records Retention Records relating to implementing and administering the institution of higher education unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of institutions of higher education found in 13 Administrative Code 6.10. [See also CIA] *25 TAC 40.7(a)*

Automated External Defibrillator "Automated external defibrillator" means a heart monitor and defibrillator that:

1. Has received approval from the U.S. Food and Drug Administration (FDA) of its premarket notification filed under 21 U.S.C. 360(k);
2. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without interpretation of cardiac rhythm by an operator, whether defibrillation should be performed; and
3. On determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

Each person or entity, other than a licensed practitioner, that acquires an automated external defibrillator that has not been approved by the FDA for over-the-counter sale shall ensure that the automated external defibrillator has been delivered to that person or entity by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice.

Health and Safety Code 779.001, .007

Notice of
Acquisition

When a person or entity acquires an automated external defibrillator, the person or entity shall notify the local emergency medical services provider of the existence, location, and type of automated external defibrillator. *Health and Safety Code 779.005*

Notice of Use

A person or entity that provides emergency care to a person in cardiac arrest by using an automated external defibrillator shall promptly notify the local emergency medical services provider. *Health and Safety Code 779.004*

Maintenance and
Inspection

A person or entity that owns or leases an automated external defibrillator shall:

1. Maintain and test the automated external defibrillator according to the manufacturer's guidelines; and
2. Conduct a monthly inspection to verify the automated external defibrillator is placed at its designated location, reasonably appears to be ready for use, and does not reasonably appear to be damaged in a manner that could prevent operation.

Health and Safety Code 779.003

¹ DSHS, Required Reporting of Administered Epinephrine Auto-Injectors to DSHS website: <https://www.dshs.texas.gov/schoolhealth/forms/ReportingForm-Epinephrine.aspx>

KILGORE COLLEGE TASB POLICY CONVERSION

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

IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

August 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS & SUPPORT SERVICES

Policy: CKE Insurance & Annuities Management - Workers' Compensation

Summary of *LEGAL* Policy:

NOTE: CKE 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
WORKERS' COMPENSATIONCKE
(LEGAL)**Options**

A political subdivision, including a college district, shall extend workers' compensation benefits to its employees by:

1. Becoming a self-insurer;
2. Providing insurance under a workers' compensation insurance policy; or
3. Entering into an interlocal agreement with other political subdivisions providing for self-insurance.

*Labor Code 504.011***Employee**

In Labor Code Chapter 504, unless a different meaning is plainly required by the context, "employee" means a person in the service of a political subdivision, including a college district, who has been employed as provided by law, or a person for whom optional coverage is provided under Labor Code 504.012 or 504.013. A person is not an employee and is not entitled to compensation under Chapter 504 if the person:

1. Is in the service of a political subdivision and is paid on a piecework basis other than by the hour, day, week, month, or year; or
2. Performs services that may benefit a political subdivision, or is employed by or under contract with a performer providing those services, but does not receive payment from the political subdivision for the performance of the services, if the services are performed in connection with the operation or production of a musical, vocal, or theatrical performance, or another entertainment event.

*Labor Code 504.001(2), .014***Notice to TDI**

A political subdivision, including a college district, shall notify the Texas Department of Insurance (TDI) of the method by which its employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll. *Labor Code 504.018(a)*

Notice to Employees

A political subdivision shall notify its employees of the method by which the employees will receive benefits and the effective date of the coverage.

Employers shall post notices in the workplace to inform employees about workers' compensation issues as required by 28 Administrative Code 110.101. These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold

type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

Labor Code 504.018(b); 28 TAC 110.101(e)

Report to Carrier

First Report of
Injury

The employer, including a college district, shall report to the employer's insurance carrier each death, each occupational disease of which the employer has received notice of injury or has knowledge, and each injury that results in more than one day's absence from work for the injured employee. The term "knowledge" includes receipt of written or oral information regarding diagnosis of an occupational disease, or diagnosis of an occupational disease through direct examination or testing by a doctor employed by the employer.

TDI shall prescribe the form, format, and manner of the employer's first report of injury (report). The report shall contain the information required by 28 Administrative Code 120.1(a) (relating to Employer's Record of Injuries), any additional information prescribed by TDI in accordance with the Labor Code 402.00128(b)(10), and the information necessary for an insurance carrier to electronically transmit a first report of injury to TDI. The report shall be filed with the insurance carrier not later than the eighth day after having received notice of or having knowledge of an occupational disease or death, or not later than the eighth day after the employee's absence from work for more than one day due to a work-related injury. A report is filed when personally delivered, mailed, reported via tele-claims, electronically submitted, or sent via facsimile.

The employer shall maintain a record of the date the report of injury is filed with the insurance carrier.

Labor Code 409.005-.006; 28 TAC 120.2(a)-(c), (f)

Copy to Employee

The employer shall provide a written copy of the report and a written copy of the Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System (Notice of Rights and Responsibilities) adopted by the Public Counsel of the Office of Injured Employee Counsel to the injured employee by personal delivery, mail, electronic submission or facsimile at the time that the report is made with the insurance carrier. The Notice of Rights and Responsibilities shall be in English and Spanish, or in English and any other language common to the employee. The written report may be the report specified in 28 Administrative Code 120.2(b), or at a minimum shall contain the information listed in 28 Administrative Code 120.1(a).

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CKE
(LEGAL)

The employer shall maintain a record of the date the copy of the report of injury and the date the Notice of Rights and Responsibilities were provided to the employee.

Labor Code 409.005(c), (g); 28 TAC 120.2(d), (f)

Notice of Modified
Duty Program

The employer shall, on the written request of the employee, a doctor, the insurance carrier, or TDI, notify the employee, the employee's treating doctor if known to the employer, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the employer. If those opportunities or that program exists, the employer shall identify the employer's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Labor Code 409.005(j)

Supplemental
Report of Injury

As provided in 28 Administrative Code 129.4 relating to adjustment of temporary income benefit amount, the employer shall file the supplemental report of injury, in the form, format and manner prescribed by TDI. The report shall be filed with the employer's carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including reporting all post-injury earnings as that term is used in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or
2. The employee resigns or is terminated.

The employer's duty to file supplemental reports continues until the employee reaches maximum medical improvement (MMI) or is no longer employed by the employer and the employer has made the required report. The employer may contact the insurance carrier for information regarding the employee's MMI status.

For injuries requiring a First Report of Injury, above, unless the information required in this subsection is provided on the first report, the employer shall file the supplemental report with the employer's carrier and provide a copy to the employee within three days after:

1. The employee begins to lose time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day(s) of disability as a result of the injury.

The employer shall file the supplemental report of injury with the carrier by personal delivery, telephone, facsimile or electronic

transmission. The employer shall provide a copy of the report to the employee by facsimile or electronic transmission if the employee has identified a personal facsimile number or a personal email address to be used and the employer has the means of sending such a transmission. Otherwise the report shall be provided by personal delivery or sent by mail.

The employer shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005(i); 28 TAC 120.3

**Injury and
Occupational
Disease Report**

An employer that has workers' compensation insurance coverage (subscriber) shall file a report of injury with TDI pursuant to Labor Code 411.032. A subscribing employer's report of injury filed in accordance with Labor Code 409.005 and applicable TDI rules satisfies that employer's requirement to file an injury and occupational disease report under Labor Code 411.032, unless TDI requests that the employer file a report with TDI for a specific injury. *28 TAC 160.3(a)*

Wage Reports

The employer is required to timely file a complete wage statement in the form and manner prescribed by TDI. The term "filed" means "received."

The wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within 30 days of the earliest of:

1. The date the employer is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within seven days of a change in any wage information provided on the previous wage statement, such as because the employer has discontinued providing a nonpecuniary wage that was originally continued after the injury. A wage statement shall be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Record of Injuries

An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

1. The name, address, date of birth, sex, wage, length of service, social security number, and occupation of the employee;

2. The reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved;
3. The date, time, and location where the injury occurred;
4. The name of the employee's immediate supervisor;
5. The names of any witnesses (if known);
6. The name and address of the treating health-care provider, if known; and
7. Any voluntary benefits paid by the employer under the Texas Workers' Compensation Act.

These records shall be open to inspection by TDI, upon at least five working days' notice to the employer, at a reasonable time and place. The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

28 TAC 120.1(a)–(c)

**Ombudsman
Program**

The Office of Injured Employee Counsel (OIEC) shall maintain an ombudsman program as provided by Labor Code Chapter 404, Subchapter D, to assist injured employees and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

All employers participating in the workers' compensation system shall post notice of the OIEC's Ombudsman Program. This notice shall be posted in the workplace where each employee is likely to see the notice on a regular basis. This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees. The text of the notice shall be as described by 28 Administrative Code 276.5(c), [Notice to Employees Concerning Assistance Available in the Workers' Compensation System from the Office of Injured Employee Counsel](#)¹, without any additional words or changes.

Labor Code 404.151(a), .153(a); 28 TAC 276.5(a)–(c)

**First Responder
Liaison**

An employer that employs first responders or supervises volunteer first responders shall notify the first responders of the first responder liaison. The notice shall be posted in the personnel office and in the workplace where employees or volunteers are likely to read the notice on a regular basis. The notice shall be printed in English and Spanish or in English and any other language common to the employer's affected employee population. The text of the notice shall be that contained in 28 Administrative Code 276.5(d)(3), [Office of Injured Employee Counsel Notice Regarding](#)

[First Responder Liaison to Assist in Workers' Compensation Disputes](#)², without any additional words or changes.

"First responder" means:

1. An individual employed by a political subdivision of this state who is:
 - a. A peace officer under Code of Criminal Procedure Article 2.12;
 - b. A person licensed under Health and Safety Code Chapter 773, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or
 - c. A firefighter subject to certification by the Texas Commission on Fire Protection under Government Code Chapter 419, whose principal duties are firefighting and aircraft crash and rescue; or
2. An individual covered under Labor Code 504.012(a) who is providing volunteer services to a political subdivision of this state as:
 - a. A volunteer firefighter, without regard to whether the volunteer firefighter is certified under Government Code Chapter 419, Subchapter D; or
 - b. An emergency medical services volunteer, as defined by Health and Safety Code 773.003.

Labor Code 404.153(a-1), 504.055(a); 28 TAC 276.5(d)

Reports of Safety Violations

TDI shall maintain a 24-hour toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law. Each employer, including each college district, shall notify its employees of this service.

These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

An employer may not suspend or terminate the employment of or otherwise discriminate against an employee for using the telephone service to report in good faith an alleged violation of an occupational health or safety law.

Labor Code 411.081-.082; 28 TAC 110.101(e)

**Relation to Paid
Leave**

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

“Lost wages” are the difference between the employee’s gross average weekly wage (AWW) and the employee’s gross post-injury earnings (PIE). If the employee’s PIE equals or exceeds the employee’s AWW, the employee has no lost wages.

PIE shall include, but not be limited to, the documented weekly amount of:

1. The value of any full days of accrued sick leave or accrued annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued sick leave or accrued annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee’s TIBs, exceeds AWW.

28 TAC 129.2

Offsetting Paid
Leave Against
Workers’
Compensation
Income Benefits

The governing body of a political subdivision, including a college district board of trustees, by majority vote, may provide that while an employee of the political subdivision is receiving workers’ compensation benefits, the employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the workers’ compensation benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim. Sick leave benefits that are received shall be deducted proportionately from the employee’s sick leave balance. *Labor Code 504.052*

Unless the governing body adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers’ Compensation Law. [See DEC] *Atty. Gen. Op. JC-0040 (1999)*

**Prohibited
Discrimination**

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the discrimination prohibition is liable for reasonable damages incurred by the employee as a result of the violation. An employee discharged in violation of the discrimination prohibition is entitled to reinstatement in the former position of employment. *Labor Code 451.002(a)–(b)*

A first responder who alleges a violation of Labor Code 451.001 by a state or local governmental entity, including a college district that employs the first responder, may sue the governmental entity for the relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

"First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

1. A peace officer whose duties include responding rapidly to an emergency;
2. Fire protection personnel under Government Code 419.021;
3. A volunteer firefighter who is certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas or a member of an organized volunteer fire-fighting unit as described by Government Code 615.003;
4. An individual certified as emergency medical services personnel by the Department of State Health Services;
5. An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and

6. Other emergency response personnel employed by an agency.

Labor Code 451.0025; Gov't Code 421.095(1)

Leaves of Absence

The employer shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. [See DEC] *Atty. Gen. Op. JM-227 (1984)*

¹ Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes:
<https://texreg.sos.state.tx.us/fids/201801348-2.pdf>

² Office of Injured Employee Counsel Notice Regarding First Responder Liaison to Assist in Workers' Compensation Disputes:
<https://texreg.sos.state.tx.us/fids/201801348-2.pdf>

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: DC Employment Practices

Policy: DCA Term Contracts

Summary of *LEGAL* Policy:

NOTE: DCA 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. "Employment Contracts" Policy was approved by the BOT on 8/13/2018. Legal policy DCA outlines the legal rights and responsibilities of providing eligible employees with employment contracts. An Administrative Rule was drafted to provide further clarifications of Kilgore College procedures in handling employment contracts for eligible employees.

The Legal policy outlines the legal obligations in regards to offering term employment contracts to faculty and administrators. The definition of administrator and faculty are defined to notate the eligibility of employees who qualify for term contracts at the College. It also describes method and timing required for issuing contracts and notification deadlines as prescribed by law.

The Administrative Rule provides guidance as to the process of issuing contracts, delegation of responsibility, and the timing for contract issuance at Kilgore College.

Procedures:

Administrative Rules:

1. Employment Contracts

EMPLOYMENT PRACTICES
TERM CONTRACTSDCA
(LEGAL)**Property Interest**

A contract of employment with the college district creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. *Perry v. Sindermann*, 408 U.S. 593 (1972); *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972)

Administrator Contracts

The governing board of an institution of higher education, including a college district, may enter into an employment contract with an administrator who is to be paid in whole or in part from appropriated funds only if, before the date the contract is executed, the governing board determines that the contract is in the best interest of the institution.

A contract entered into by the governing board under this section may not:

1. Provide for employment for more than three years;
2. Allow for severance or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at a market interest rate agreed upon in the contract;
3. Allow for development leave that is inconsistent with Education Code 51.105; or
4. Award tenure in any way that varies from the institution's general policy on the award of tenure.

The institution of higher education may not pay a salary to a person who is reassigned from an administrative position to a faculty or other position at the institution that exceeds the salary of other persons with similar qualifications performing similar duties.

Education Code 51.948(a)–(c)

“Administrator” means a person who has significant administrative duties relating to the operation of the institution, including the operation of a department, college, program, or other subdivision of the institution. *Education Code 51.948(g)(1)*

Faculty Contracts

“Contract”

“Contract” means an agreement between an institution of higher education or its authorized agent and a faculty member that establishes the terms of the faculty member's employment, including the faculty member's responsibilities and salary, for an academic year. *Education Code 51.943(a)(1)*

“Faculty Member”

“Faculty member” means a person who is employed full time by an institution of higher education as a member of the faculty whose

primary duties include teaching or research. The term does not include:

1. A person employed in the classified personnel system of the institution or a person employed in a similar type of position if the institution does not have a classified personnel system; or
2. A person who holds faculty rank but who spends a majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

Education Code 51.943(a)(2)

Offer Deadline

Except as provided by Education Code 51.943(c), an institution of higher education, including a college district that determines it is in its best interest to reappoint a faculty member for the next academic year shall offer the faculty member a written contract for that academic year not later than 30 days before the first day of the academic year. *Education Code 51.943(b)*

For the purposes of this section, an institution of higher education is not required to provide an annual contract to tenure or tenure-track faculty but must provide tenure and tenure-track faculty with any written notification required in the institution's tenure policy of a change in a term of employment according to the policies of the institution, but no later than the 30th day prior to the change. *Education Code 51.943(c)*

This section does not prohibit an institution of higher education from entering into a contract with a faculty member for a period longer than an academic year. *Education Code 51.943 (f)*

Notice If Unable to Comply

If the institution of higher education is unable to comply with Education Code 51.943(b), the institution shall:

1. Provide the faculty member with written notification that the institution is unable to comply;
2. Include in the written notification reasons for its inability to comply; and
3. Specify in the written notification a time by which it will offer a written contract to the faculty member for the applicable academic year.

Education Code 51.943(d)

Failure to Offer

If the institution does not offer the faculty member a written contract before the 61st day after the first day of the academic year and the

institution retains the faculty member for that academic year without a written contract, the institution must retain the faculty member for that academic year under terms and conditions, including terms governing the faculty member's compensation, that are at least as favorable to the faculty member's employment for the preceding academic year, unless the institution and the faculty member subsequently enter into a different written contract. *Education Code 51.943(e)*

No Additional
Rights

Nothing in this section shall be deemed to provide a faculty member who does not hold tenure additional rights, privileges, or remedies or to provide an expectation of continued employment beyond the period of a faculty member's current contract. *Education Code 51.943(g)*

Administrative Rule

Subject: Employment Contracts

TASB Policy: DCA

Effective Date: September 11, 2023



I. Purpose and Scope

Kilgore College issues Term Contracts to eligible employees as identified by TASB Policy DCA.

II. Definitions

Faculty Member: a person who is employed full time by an institution of higher education as a member of the faculty whose primary duties include teaching or research.

Administrator: a person who has significant administrative duties relating to the operation of the institution, including the operation of a department, college, program, or other subdivision of the institution.

III. Procedures

The Kilgore College Board of Trustees recognizes the following employee categories/positions as eligible to receive employment contracts: the College President, Executive Cabinet members, and fulltime faculty.

Contract Issuance

Employment contracts will be issued by the Human Resources Department.

Contracts may not be issued until the annual College budget is approved by the Board of Trustees. Typically, this Board meeting is held in August of each year. Due to the timing of budget approval, contracts will be issued as soon as administratively feasible after the annual budget approval process. Eligible employees will be notified per the procedure identified in TASB Legal DCA regarding "Notice if Unable to Comply".

All employment contracts are subject to termination for good cause, which includes, but is not limited to a breach of this Contract, violations of College policy, violations of state or federal law or regulations, failure to adequately perform job duties in a reasonable and acceptable manner, or other good cause as defined by Texas law and reasonably determined by the College. See TASB Policy series "DM" for further clarifications.

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: E INSTRUCTION

Policy: EG ACADEMIC ACHIEVEMENT

Summary of *LEGAL* Policy:

NOTE: EG 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. Student transcripts shall contain a record of each state-funded course attempted by a student. This includes all courses for which the student was enrolled as of the official census date each term, including developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated. The student transcript contains a record of the student's status in regard to the Texas Success Initiative (TSI). Transcripts also identify core curriculum and field of study curriculum to facilitate transfer of coursework.

KC uses Parchment as its electronic transcript provider.

Procedures:

The above items are automated through the Jenzabar and Parchment systems.

ACADEMIC ACHIEVEMENT

EG
(LEGAL)**Transcripts**

Student transcripts shall contain a record of each state-funded course attempted by a student at the transcribing institution, including a college district. This includes all courses for which the student was enrolled as of the official census date each term, including developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated.

The student transcript or an addendum to the transcript certified by the appropriate institutional official shall contain a record of the student's status in regard to the Texas Success Initiative (TSI). The document should include the status for each section of a test taken for TSI purposes (reading, mathematics, writing) with information as to how the student met the TSI requirement. The information provided should enable receiving institutions to use the transcript or the addendum as a single source of information to determine the student's TSI status.

Student transcripts created after September 1, 2000, should be maintained by the institutions in a format suitable for electronic interchange. The format of transcripts shall be the format that is used to store the most transcripts by Texas institutions of higher education as of September 1, 1998, or another format adopted by a majority of the members of the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

Student transcripts or an addendum to the transcript certified by the appropriate institutional official shall identify all courses completed in satisfaction of the core curriculum as specified in 19 Administrative Code 4.28(h) (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula).

19 TAC 4.7(a)–(d) [See also FJ, Transcript Notation of Ineligibility to Reenroll]

Field of Study

Each institution must note the selected Texas core curriculum component and discipline foundation courses components of the field of study curriculum courses on student transcripts as recommended by TACRAO. *19 TAC 4.32(e)*

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: E INSTRUCTION

Policy: EI TESTING PROGRAMS

Summary of *LEGAL* Policy:

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

This LEGAL policy was reviewed by Administration to ascertain compliance and KC is in compliance. KC assess its students and their college readiness as outlined in this policy. Assessment results are not a condition of admission, as KC abides by and practices open-admission for all students seeking post-secondary opportunities.

TESTING PROGRAMS

EI
(LEGAL)

Texas Success Initiative (TSI)

An institution of higher education, including a college district, shall assess, by an instrument approved in 19 Administrative Code 4.56, the academic skills of each entering, non-exempt undergraduate student as defined in 19 Administrative Code 4.53(24) to determine the student's readiness to enroll in freshman-level academic coursework prior to enrollment of the student. An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.

An institution offering collegiate-level credit to students via a Multi-Institution Teaching Center (MITC) or a university system center, or to in-state students by distance learning delivery systems shall ensure that students are assessed as required by this policy.

Education Code 51.333; 19 TAC 4.55(a), (d)–(e)

Definitions

Basic Academic Skills Education

“Basic academic skills education” means non-course competency-based developmental education programs and interventions designed for students whose performance falls significantly below college readiness standards. *Education Code 51.331(b)(1)*

Corequisite

“Corequisite,” also known as corequisite or mainstreaming, is an instructional strategy whereby undergraduate students as defined in 19 Administrative Code 4.53(24) are co-enrolled or concurrently enrolled in a developmental education course or NCBO, as defined in 19 Administrative Code 4.53(18), below, and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. Participation in the entry-level freshman course is not contingent upon performance in the developmental education component of the corequisite. *19 TAC 4.53(7)*

Course Pairing

“Course pairing” is an instructional strategy whereby students are co-enrolled in a developmental education course and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. *19 TAC 4.53(8)*

Developmental Coursework and / or Intervention

“Developmental coursework and/or intervention” means non-degree-credit coursework and/or activity designed to address a student's strengths and needs in the areas of reading, writing, integrated reading and writing (IRW), mathematics, and student success. *19 TAC 4.53(9)*

<i>Entry-Level Course</i>	“Entry-level course” (sometimes referred to as entry-level freshman coursework or freshman-level academic coursework) means any course for academic credit in which a freshman student typically enrolls and comprises college-level content. The course shall not have prerequisites and is open to any student meeting TSI standards as defined in 19 Administrative Code 4.57, below, and/or meeting at least one of the exemptions or waivers as defined in 19 Administrative Code 4.54, below. These courses (or their local equivalent in the Texas Common Core Numbering System) may include, but are not limited to: ENGL 1301, HIST 1301, PSYC 2301, GOVT 2305/2306, MATH 1314/1414/1324/1332/1342, SOCI 1301, PHIL 1301, SPCH 1311/1315, COSC 1301, HUMA 1301, ARTS 1301, and BIOL 1306/1406. <i>19 TAC 4.53(13)</i>
<i>Mathematics Pathway Models</i>	“Mathematics Pathway Models” are developmental and basic academic skills coursework/interventions that prepare students for academic/workforce training programs and careers. <i>19 TAC 4.53(15)</i>
<i>Non-Course-Competency-Based Developmental Education Interventions</i>	“Non-course-competency-based developmental education interventions,” also known as non-semester-length interventions or NCBO, are interventions that use learning approaches designed to address a student’s identified weaknesses and effectively and efficiently prepare the student for college-level work. These interventions must be overseen by an instructor of record, must not fit traditional course frameworks, and cannot include advising or learning support activities already connected to a traditional course; interventions may include, but are not limited to, tutoring, supplemental instruction, or labs. <i>19 TAC 4.53(18)</i>
Exceptional Circumstances	Under exceptional circumstances, an institution may permit a student to enroll in freshman-level academic coursework without assessment but shall require the student to be assessed not later than the end of the first semester of enrollment in entry-level freshman coursework. <i>19 TAC 4.55(a)</i>
Pre-Assessment	Prior to the administration of an approved instrument, a test administrator shall provide to the student a pre-assessment activity(ies) that addresses at a minimum the following components in an effective and efficient manner, such as through workshops, orientations, and/or online modules: <ol style="list-style-type: none">1. Importance of assessment in students’ academic career.2. Assessment process and components, including practice with feedback of sample test questions in all disciplinary areas.

3. Developmental education options including corequisite, course-pairing, non-course-based, modular, and other non-conventional interventions.
4. Institutional and/or community student resources (e.g., supplemental instruction, tutoring, transportation, childcare, and financial aid).

19 TAC 4.55(b)

Assessment
Instruments

Effective fall 2013, the Texas Success Initiative Assessment (TSIA) is the only Coordinating Board-approved assessment instrument used under Administrative Code Title 19. The TSIA, Version 2.0 (TSIA2) will replace the TSIA on January 11, 2021, at which time the TSIA2 will be the only Coordinating Board-approved assessment instrument offered under Administrative Code Title 19. Test administrators of the TSI assessment must follow the requirements and processes for test administration as set forth by the Coordinating Board and the test vendor. *Education Code 51.334(a); 19 TAC 4.56*

Minimum Standards
TSIA Standards

Effective the institution's first class day of fall 2017, the following minimum college readiness standards (also known as "cut scores") for reading, mathematics, and writing on the TSIA shall be used by an institution to determine a student's readiness to enroll in freshman-level academic coursework:

1. Reading 351;
2. Mathematics 350; and
3. Writing:
 - a. A placement score of at least 340, and an essay score of at least 4; or
 - b. A placement score of less than 340 and an ABE Diagnostic level of at least 4 and an essay score of at least 5.

Education Code 51.334(b)–(c); 19 TAC 4.57(a)

TSIA2 Standards

Effective January 11, 2021, the following minimum college readiness standards (also known as "cut scores") for English Language Arts Reading (ELAR) and mathematics on the TSIA2 shall be used by an institution to determine a student's readiness to enroll in entry-level freshman coursework:

1. Mathematics (for college-level coursework with mathematics-intensive designation by the offering institution):
 - a. A College Readiness Classification (CRC) score of at least 950; or

- b. A CRC score below 950 and a Diagnostic level of 6.
2. ELAR (for college-level coursework with reading, writing, or reading and writing-intensive designation by the offering institution):
 - a. A CRC score of at least 945 and an essay score of at least 5; or
 - b. A CRC score below 945 and a Diagnostic level of 5 or 6 and an essay score of at least 5.

Education Code 51.334(b)–(c); 19 TAC 4.57(b)

Application of Standards

Institutions should use the TSI Assessment (TSIA or TSIA2) diagnostic results, along with other holistic factors, in their consideration of courses and/or interventions addressing the educational and training needs of undergraduate students not meeting the college readiness standards above.

An institution shall not require higher or lower college readiness standards on any or all portions of the TSI assessment (TSIA or TSIA2) to determine a student's readiness to enroll in any entry-level freshman coursework.

For a student with an existing plan for academic success as required in 19 Administrative Code 4.58, the institution must revise the plan as needed to align with the college readiness standards as defined above.

Both TSI assessment (TSIA or TSIA2) results are valid for the purposes of Administrative Code Title 19 for five years from the date of testing.

Education Code 51.334(b)–(c); 19 TAC 4.57(c)–(f)

Advising Program

Each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work. *Education Code 51.335(b)*

Failure to Meet Minimum Standards

For holistic placement of non-exempt undergraduate students not meeting standards as defined in 19 Administrative Code 4.57(a) (relating to College Ready Standards), above, institutions shall use for determination of appropriate courses and/or interventions the TSI assessment results and accompanying Diagnostic Profile, along with consideration of one or more of the following:

1. High school grade point average/class ranking;
2. Prior academic coursework and/or workplace experiences;

3. Non-cognitive factors (e.g., motivation, self-efficacy); and
4. Family-life issues (e.g., job, childcare, transportation, finances).

For each undergraduate student who fails to meet the minimum passing standards described in 19 Administrative Code 4.57, above, an institution shall establish a program to advise the student regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework and determine a plan, working with the student, for academic success, which shall include developmental education and may include provisions for enrollment in appropriate non-developmental coursework. Institutions must ensure developmental education courses and interventions meet at minimum the criteria set forth in the Lower Division Academic Course Guide Manual (ACGM).

For undergraduate students enrolled in a corequisite model who fail to satisfactorily complete the freshman-level course, the institution of higher education must:

1. Review the plan developed for the student under this section and, if necessary, work with the student to revise the plan; and
2. Offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level academic coursework in the applicable subject area(s).

Students enrolled in a mathematics pathway model (e.g., New Mathways Project, modular/Emporium models, etc.) must be clearly informed of the consequences of successful completion of this model which will result in meeting the mathematics college readiness standard only for specific college credit courses and that changing degree plans may require additional developmental education coursework/interventions.

19 TAC 4.55(c), .58(a)–(b), (d), (f)

Readiness
Education Plan

If a student fails to meet the assessment standards described above, the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The plan must be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to

address a student's deficiencies in the student's readiness to perform freshman-level academic coursework [see EFAC].

The commissioner may by rule require a college district to adopt uniform standards for the placement of a student under Education Code 51.336.

Each plan for academic success shall:

1. Be designed on an individual basis to provide the best opportunity for each student to succeed in obtaining his or her career and/or academic goals. At a minimum, the individual plan shall address:
 - a. Career advising;
 - b. Course-based and/or non-course-based developmental education options;
 - c. Campus and/or community student-support services/resources;
 - d. Degree plan or plan of study;
 - e. Regular interactions between student and designated point of contact (e.g., adviser, faculty member, peer and/or community mentor, and the like);
 - f. Registration for next semester/next steps; and
 - g. Differentiated placement.
2. Provide to the student a description of the appropriate developmental education considered necessary to ensure the readiness of that student to perform freshman-level academic coursework.
3. Provide to the student an appropriate measure for determining readiness to perform freshman-level academic coursework, as described in 19 Administrative Code 4.59, below.

Education Code 51.335(a), .336(a); 19 TAC 4.58(b)

Determination of
Readiness

An institution shall determine when a student is ready to perform entry-level freshman coursework using:

1. Developmental education coursework and/or intervention learning outcomes developed by the Coordinating Board based on the Texas College and Career Readiness Standards;

2. Student performance on one or more appropriate assessments, including scores resulting from a student's retaking of the TSI assessment; and
3. Student qualification for one or more TSI exemptions as outlined in 19 Administrative Code 4.54.

As indicators of readiness, institutions shall consider, as appropriate:

1. Performance in developmental education.
2. Performance in appropriate nondevelopmental coursework, including successfully completed college-level coursework in a related field using AP scores, IB scores, CLEP scores, and/or grades earned through dual credit, as determined by the receiving institution.

An institution may enroll a non-exempt, undergraduate student who has not met the college readiness standard on the TSI assessment and is not otherwise exempt in an entry-level freshman course if the student is co-enrolled in developmental education, as defined in 19 Administrative Code 4.53(7). Successful completion of the entry-level freshman course is demonstration of the student's college readiness, independent of his/her performance in co-enrolled developmental education.

A student may retake an assessment instrument, subject to availability, at any time to determine readiness to perform entry-level freshman coursework.

An institution shall, as soon as practicable and feasible, indicate a student's readiness in reading, mathematics, and writing on the transcript of each student. Student readiness in mathematics is indicated as either:

1. Ready for any entry-level freshman mathematics coursework; or
2. Ready only for non-Algebra intensive courses, including MATH 1332/1342/1442 or their local equivalent.

Education Code 51.337; 19 TAC 4.59

Reporting

At the end of each semester, the institution shall report to the Coordinating Board the following information for undergraduate students: social security number, semester credit hours, grade points earned, ethnicity, gender, date of birth, TSI status, initial assessment instrument, score on initial assessment, type of developmental education received for each area (reading, mathematics, writing), and grade in first related nondevelopmental course.

Institutions shall analyze and report to the Coordinating Board on the annual Developmental Education Program Survey (DEPS) the fiscal and/or instructional impacts of the following on student outcomes, along with other success-related topics as requested:

1. Technological delivery of developmental education courses that allows students to complete coursework;
2. Diagnostic assessments to determine a student's specific educational needs to allow for appropriate developmental instruction;
3. Modular developmental education course materials;
4. Use of tutors and instructional aides to supplement developmental education course instruction as needed for particular students;
5. Internal monitoring mechanisms used to identify a student's area(s) of academic difficulty; and
6. Periodic updates of developmental education course materials.

An institution of higher education that administers an assessment instrument to students under Education Code Chapter 51, Subchapter F-1 shall report to each school district from which assessed students graduated high school all available information regarding student scores and performance on the assessment instrument and student demographics.

Education Code 51.342; 19 TAC 4.60(a)–(b)

Exemptions for
Certain Students

Any student who has been determined to be exempt in mathematics, reading, and/or writing shall not be required to enroll in developmental coursework and/or interventions in the corresponding area of exemption.

The following students shall be exempt from the requirements of Administrative Code Title 19, including the TSI, whereby exempt students shall not be required to provide any additional demonstration of college readiness and shall be allowed to enroll in any entry-level freshman course as defined in 19 Administrative Code 4.53(12):

*SAT or ACT
Scores*

1. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:
 - a. ACT

- (1) ACT administered prior to February 15, 2023: composite score of 23 with a minimum of 19 on the English test shall be exempt for both the reading and writing sections of the TSI assessment, and/or 19 on the mathematics test shall be exempt for the mathematics section of the TSI assessment.
- (2) ACT administered on or after February 15, 2023: a combined score of 40 on the English and Reading (E+R) tests shall be exempt for both reading and writing or ELAR sections of the TSI assessment. A score of 22 on the mathematics test shall be exempt for the mathematics section of the TSI assessment. There is no composite score.
- (3) The use of scores from both the ACT administered prior to February 15, 2023, and the ACT administered after February 15, 2023, is allowable, as long as the benchmarks set forth in paragraph (2) are met.

b. SAT

- (1) SAT administered prior to March 5, 2016: a combined critical reading (formerly "verbal") and mathematics score of 1070 with a minimum of 500 on the critical reading test shall be exempt for both reading and writing sections of the TSI assessment; a combined critical reading (formerly "verbal") and mathematics score of 1070 with a minimum of 500 on the mathematics test shall be exempt for the mathematics section of the TSI assessment.
- (2) SAT administered on or after March 5, 2016: a minimum score of 480 on the Evidenced-Based Reading and Writing (EBRW) test shall be exempt for both reading and writing sections of the TSI Assessment; a minimum score of 530 on the mathematics test shall be exempt for the mathematics section of the TSI Assessment. There is no combined score.
- (3) Mixing or combining scores from the SAT administered prior to March 5, 2016, and the SAT administered on or after March 5, 2016, is not allowable.

*High School
Equivalency
Examination*

- c. GED: minimum score of 165 on the Mathematical Reasoning subject test shall be exempt for the mathematics section of the TSI Assessment. A minimum score of 165

on the Reasoning Through Language Arts (RLA) subject test shall be exempt for the English Language Arts Reading (ELAR) section of the TSI Assessment.

- d. HiSET: minimum score of 15 on the Mathematics sub-test shall be exempt for the mathematics section of the TSI Assessment. A minimum score of 15 on the Reading subtest and a minimum score of 15 on the Writing sub-test, including a minimum score of 4 on the essay, shall be exempt for the ELAR section of the TSI Assessment.

Education Code 51.338(b), (h); 19 TAC 4.54(a), (d)

*State
Assessments*

2. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:

TAKS

- a. On the eleventh grade exit-level Texas Assessment of Knowledge and Skills (TAKS) with a minimum scale score of 2200 on the mathematics section and/or a minimum scale score of 2200 on the English language arts section with a writing subsection score of at least 3, shall be exempt from the TSI assessment required under Title 19 for those corresponding sections; or

End-of-Course
Assessments

- b. STAAR end-of-course (EOC) adopted under Education Code 39.0238 for Algebra II and English III, as that section existed before repeal by H.B. 4545, Acts of the 87th Legislature, Regular Session, 2021, with a minimum Level 2 score of 4000 on the English III shall be exempt from the TSI assessment required under this title for both reading and writing, and a minimum Level 2 score of 4000 on the Algebra II EOC shall be exempt from the TSI assessment required under this title for the mathematics section.

Education Code 51.338(c)–(d); 19 TAC 4.54(a)(3)

*College-Level
Experience*

3. A student who has graduated with an associate or baccalaureate degree from an institution of higher education.
4. A student who transfers to an institution from a public, private, or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework as determined by the receiving institution.
5. A student who has previously attended any institution and has been determined to have met readiness standards by that institution. For students meeting non-Algebra intensive readi-

ness standards in mathematics as defined in 19 Administrative Code 4.59 (relating to determination of readiness to perform entry-level freshman coursework), institutions may choose to require additional preparatory coursework/interventions for Algebra intensive courses, including MATH 1314/1324/1414 or their local equivalent. It is the institution's responsibility to ensure that students are clearly informed of the consequences of successful completion of a mathematics pathways model which results in meeting the mathematics college readiness standard only for specific entry-level freshman mathematics courses.

6. A student who is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.

Education Code 51.332(1)–(3); 19 TAC 4.54(a)

*College Prep
Courses*

7. A student who successfully completes a college preparatory course under Education Code 28.014 is exempt for a period of 24 months from the date of high school graduation with respect to the content area of the course. The student must enroll in the student's first college-level course in the exempted content area in the student's first year of enrollment in an institution of higher education. This exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course. Additionally, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

Students with a TSI exemption for a college preparatory course who earn less than a C in the students' first college-level course in the exempted content area must be advised of non-course-based options for becoming college ready, such as tutoring or accelerated learning.

Education Code 51.338(e)–(f); 19 TAC 4.54(a), .58(e)

*Military
Experience*

8. A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or for at least the three-year period preceding enrollment, as a member of a reserve component of the armed forces of the United States; or
9. A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National

Guard or service as a member of a reserve component of the armed forces of the United States.

Education Code 51.332(4)–(5); 19 TAC 4.54(a)

*Not Seeking a
Credential*

An institution of higher education may exempt a non-degree-seeking or non-certificate-seeking student. *Education Code 51.338(a); 19 TAC 4.54(b)*

ESOL Waiver

An institution may grant a temporary waiver from the required assessment for students with demonstrated limited English proficiency in order to provide appropriate English Speakers of Other Languages/English as a Second Language (ESOL/ESL) coursework and interventions. The waiver must be removed after the student attempts 15 credit hours of developmental ESOL coursework at a public junior college or prior to enrolling in entry-level freshman coursework, whichever comes first, at which time the student would be administered the TSI assessment. Funding limits as defined in Education Code 51.340 for developmental education still apply. Developmental education is not available for high school students. *19 TAC 4.54(c)*

Student Privacy

Institutions of higher education, including college districts, must ensure that the Texas Success Initiative is administered in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any state law relating to the privacy of student information. *19 TAC 4.63*

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 28, 2023

Kilgore College Board of Trustees Meeting Date:

September 11, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: FLB STUDENT CONDUCT

Policy: FLBC Prohibited Organizations and Hazing

Summary of *LEGAL* Policy:

NOTE: FLBC 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 posts the required information in the College Catalog and Student Handbook. The policy requires a report of hazing incidents, but we have had no hazing incidents reported. If any hazing incident is reported, we will follow the requirement that a report of the incident be posted on the website.

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZINGFLBC
(LEGAL)**Hazing Offense**

Personal

A person commits an offense if the person:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
3. Has first-hand knowledge of the planning of a specific hazing incident involving a student in an educational institution, including a college district, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

Education Code 37.152(a), 51.936(a)

Organization

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing. *Education Code 37.153(a), 51.936(a)*

Definitions

Hazing

“Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

1. Is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 5, that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.
5. Involves coercing, as defined by Penal Code 1.07, the student to consume a drug or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Penal Code 49.01.

Education Code 37.151(6); 51.936(a)

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZING

FLBC
(LEGAL)

Organization “Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students. *Education Code 37.151(5); 51.936(a)*

Student “Student” means any person who:

1. Is registered in or in attendance at an educational institution;
2. Has been accepted for admission at the educational institution where the hazing incident occurs; or
3. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

Education Code 37.151(4); 51.936(a)

Dissemination of
Hazing Information

*On the College
District’s Website*

Each postsecondary educational institution shall develop and post in a prominent location on the institution’s internet website a report on hazing committed on or off campus by an organization registered with or recognized by the institution. The report:

1. Must include information regarding each disciplinary action taken by the institution against an organization for hazing, and each conviction of hazing under Education Code 37.153 by an organization, during the three years preceding the date on which the report is issued or updated, including:
 - a. The name of the organization disciplined or convicted;
 - b. The date on which the incident occurred or the citation was issued, if applicable;
 - c. The date on which the institution’s investigation into the incident, if any, was initiated;
 - d. A general description of the incident; the violations of the institution’s code of conduct or the criminal charges, as applicable; the findings of the institution or court; and any sanctions imposed by the institution, or any fines imposed by the court, on the organization; and the date on which the institution’s disciplinary process was resolved or on which the conviction became final;
2. Must be updated to include information regarding each disciplinary process or conviction not later than the 30th day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable; and

3. May not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g.

Education Code 51.936(c-2)

To Each Student Not later than the 14th day before the first class day of each fall or spring semester, each public institution of higher education shall distribute to each student enrolled at the institution a summary of Education Code Chapter 37, Subchapter F and copy of, or an electronic link to a copy of, the report. *Education Code 51.936(c)*

At Student Orientation Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report, including the report's internet website address. *Education Code 51.936(c-2)*

In College District Publications If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Education Code Chapter 37, Subchapter F in each edition of the publication. *Education Code 51.936(d)*

**Information
Regarding Gang-
Free Zones**

The governing board of each institution of higher education, including each college district, shall ensure that any student handbook or similar publication for the institution includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones. *Education Code 51.973*



Dr. Mike Jenkins
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 Internal Collaboration & Strategic Initiatives
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DATE: September 7, 2023
 TO: Dr. Brenda S. Kays, President
 FROM: Dr. Mike Jenkins, Executive Vice President of Internal Collaboration and Strategic Initiatives *MJ*
 SUBJECT: Recommendation for the CDL Drive Track Construction Contractor

A team of three KC employees reviewed and evaluated the bids received for construction of the CDL Drive Track. Internal evaluators included Ms. Elizabeth Leamon, Mr. D'Wayne Shaw, and Mr. Robert Horn.

In addition, staff at MHS Planning have reviewed the bids. As a reminder, the reviewed bids were submitted by RLM General Contractors and Transet Company.

Results of the evaluation are:

Evaluator	RLM General Contractors	Transet Company
Evaluator #1	100	94
Evaluator #2	98	92
Evaluator #3	95	94
Total	293	280

Given RLM General Contractors' bid had the lowest cost, provided for the shortest construction time, and received the highest number of points in the evaluation, it is my recommendation that the Board of Trustees award the construction contract to RLM. Additionally, RLM General Contractors has been a good partner and has worked diligently on behalf of the College in the construction of the pedestrian bridge. Finally, MHS Planning staff concurred with our evaluations and indicated that RLM would be a "good fit for the project."

Should you have any questions, please do not hesitate to contact me.

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