TEC §39.008: Certification of Compliance with Certain Laws Required

Section 1: School System Information

Name of School District or Charter School: Lamesa ISD

County-District Number (CDN): 058-906

Superintendent/CEO Name: Dr. Bonnie Avey

Certification School Year: 2026-2027

Section 2: Description of Required Policies and Procedures

Provide a description or attach a copy of the policies and procedures required by TEC, §§11.005(c) and 28.0022(h) and describe how employees and contractors were notified of these policies and procedures.

Attached please find the following policies that have been adopted by the Board of Trustees:

1. **Board Policy BT (LEGAL):** Provides that except as explicitly required by state or federal law, the District shall not assign DEI duties to any person and must proactively prohibit independent contractors from engaging in such activities.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BT#legalTabContent

   Board Policy CJ (LEGAL) and (LOCAL): These policies govern contracted services and provide that a District contract is subject to termination if a contractor or vendor intentionally or knowingly engages in DEI duties or assigns such duties to another individual. It further establishes the appeal process through which an affected contractor may appeal an adverse contract action.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CJ#legalTabContent

   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CJ#localTabContent

2. **Board Policy DH (LOCAL):** Outlines employee standards of conduct, including the prohibition against engaging in or delegating to another DEI duties.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DH#localTabContent
3. **Board Policy BJA (LEGAL):** Requiring the Superintendent to certify to the Commissioner of Education the District's compliance with TEC Sections 39.008, 11.005 and 28.0022.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BJA#legalTabContent
4. **Board Policy CMD (LEGAL):** Regarding the acquisition of instructional materials.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CMD#legalTabContent
5. **Board Policy DF (LEGAL):** Providing for the appropriate discipline, including termination, of a District employee or contractor who intentionally or knowingly engages in or assigns to another person prohibited diversity, equity, and inclusion duties.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DF#legalTabContent
6. **Board Policy DG (LEGAL):** Providing that a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DG#legalTabContent
7. **Board Policy BJCF (LOCAL):** Providing violation of the District's prohibition against engaging in or delegating to another DEI duties is a ground for Superintendent contract nonrenewal.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BJCF#localTabContent
8. **Board Policy EMB (LEGAL):** Addressing the teaching of controversial topics, and prohibiting instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students.
   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=EMB#legalTabContent

All District employees, contractors, vendors and service providers have been provided written notice of the changes to these policies by letter dated September 16, 2026. A copy of the letter provided to all District contractors, vendors, service providers and employees is attached.

Section 3: Policy or Program Changes

Were any existing policies, programs, procedures, or trainings altered to ensure compliance with TEC, §§39.008, 11.005, and 28.0022? X Yes ☐ No

If yes, describe or attach a copy of the changes below.

All of the attached policies were altered to conform to the requirements of S.B. 12 by prohibiting District employees, contractors, vendors, and service providers from performing, carrying out, or assigning certain responsibilities or job duties that involve the consideration of race, sex, color, or ethnicity in District operations and decision-making; by prohibiting teachers from inculcating certain prohibited themes in course materials; by prohibiting the requirement that teachers address controversial topics; by providing penalties for violation of these policy mandates; and by providing access to due process for employees or contracts that are terminated for violation of these policies.

Section 4: Cost Savings

Were there any cost savings resulting from actions taken to comply with TEC, §39.008? ☐ Yes X No

Total cost savings: $ None

If yes, describe or attach a copy of the cost savings.

Section 5: Board Approval

Date of Board/Governing Body Meeting: September 17, 2026

Meeting notice was posted on LEA website at least seven days in advance: X Yes ☐ No

Public testimony opportunity provided during meeting: X Yes ☐ No

Certification approved by majority vote: X Yes ☐ No

Section 6: Certification Statement

By signing below, the undersigned certifies that the information contained in this document is true and correct and that the district or charter school is in compliance with the requirements of Texas Education Code §§39.008, 11.005(c), and 28.0022(h).

Superintendent/CEO Signature: Bonnie Avey

Date: 9-17-2026

SWORN TO AND SUBSCRIBED before me on this 17 day of September, 2026.

Bernett P. Hernandez

Notary Public, State of Texas

BERNETT P HERNANDEZ
Notary Public, State of Texas
Notary ID#: 126414165
My Commission Expires 2-15-2028

Lamesa Independent School District

Effort Today, Success Tomorrow

NOTICE TO EMPLOYEES, CONTRACTORS, VENDORS, and SERVICE PROVIDERS

DATE: September 16, 2026

TO: All District Employees, District Contractors, Independent Service Providers, and Vendors

FROM: Office of the Superintendent

SUBJECT: **Prohibitions against Discrimination and Diversity, Equity, and Inclusion (DEI) Activities**

This memorandum serves as notice to all employees, contractors, vendors and service providers of the District of important changes in state law and District policy prohibiting the consideration of race, sex, color or ethnicity in connection with District operations and decision-making. **All District employees, vendors, service providers and contractors are required to review this memorandum in its entirety**, disseminate its contents to all personnel assigned to District accounts, and maintain operations in strict conformity with District policy. Execution of services under any current or future District agreement serves as an acknowledgment of, and consent to, these contractual conditions.

I. Discrimination Prohibited

The District prohibits discrimination on the basis of race, color, national origin, religion, sex or disability. Additionally, Texas Education Code Section 11.005 and District policy prohibit District employees, contractors, vendors, and service providers from performing, carrying out, or assigning certain responsibilities or job duties at, for, or on behalf of the District. This notice clarifies District policy prohibiting the consideration of race, sex, color, or ethnicity in District operations and decision-making.

Consistent with Texas Education Code § 11.005, the District prohibits certain activities related to Diversity, Equity and Inclusion (DEI) initiatives. The District's policies may be accessed online at: https://pol.tasb.org/PolicyOnline?key=377. Employees, contractors, vendors and service providers are charged with complying with all District policies while providing services to the District.

II. Diversity, Equity and Inclusion Duties Defined

Diversity, equity, and inclusion ("DEI") duties prohibited by District policy are any action, role, or practice that involves the following:

1. **Influencing Employment Practices:** Any effort designed to influence hiring, recruitment, promotion, or general employment practices with respect to race, sex, color or ethnicity, unless strictly necessary to maintain compliance with established state or federal antidiscrimination statutes.

Dr. Bonnie Avey, Superintendent
Lamesa ISD PO Box 261 Lamesa, TX 79331
(806) 872-5461

2. **Promoting Differential Treatment:** Proactively promoting differential treatment of individuals, or providing special or exclusive benefits to individuals, solely on the basis of race, color, or ethnicity.

3. **Developing Protected-Class Programming:** Developing, implementing, structuring, or delivering policies, operating procedures, professional trainings, educational activities, or instructional programs that reference race, color, ethnicity, gender identity, or sexual orientation. Exceptions exist for student recruitment collaborations involving historically black colleges and universities, or as otherwise mandated by state or federal law.

4. **Compelling DEI Statements:** Compelling, requiring, inducing, or soliciting any prospective or current employee, contractor, service provider or vendor to submit a diversity, equity, and inclusion statement, or granting preferential consideration or advantage to any individual based on the provision or substance of such a statement.

III. District Policies

The following District policies are of particular importance in regulating the District's prohibition against DEI duties:

1. **Board Policy BT (LEGAL):** Provides that except as explicitly required by state or federal law, the District shall not assign DEI duties to any person and must proactively prohibit independent contractors from engaging in such activities.
https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BT#legalTabContent

2. **Board Policy CJ (LEGAL) and (LOCAL):** These policies govern contracted services and provide that a District contract is subject to termination if a contractor or vendor intentionally or knowingly engages in DEI duties or assigns such duties to another individual. It further establishes the appeal process through which an affected contractor may appeal an adverse contract action.
https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CJ#legalTabContent

https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CJ#localTabContent

3. **Board Policy DH (LOCAL):** Outlines employee standards of conduct, including the prohibition against engaging in or delegating to another DEI duties.
https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DH#localTabContent

4. **Board Policy BJA (LEGAL):** Requiring the Superintendent to certify to the Commissioner of Education the District's compliance with TEC Sections 39.008, 11.005 and 28.0022.
https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BJA#legalTabContent

5. **Board Policy CMD (LEGAL):** Regarding the acquisition of instructional materials. https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=CMD#legalTabContent

6. **Board Policy DF (LEGAL):** Providing for the appropriate discipline, including termination, of a District employee or contractor who intentionally or knowingly engages in or assigns to another person prohibited diversity, equity, and inclusion duties. https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DF#legalTabContent

7. **Board Policy DG (LEGAL):** Providing that a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs. https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=DG#legalTabContent

8. **Board Policy BJCF (LOCAL):** Providing violation of the District's prohibition against engaging in or delegating to another DEI duties is a ground for Superintendent contract nonrenewal. https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=BJCF#localTabContent

9. **Board Policy EMB (LEGAL):** Addressing the teaching of controversial topics, and prohibiting instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students. https://pol.tasb.org/PolicyOnline/PolicyDetails?key=377&code=EMB#legalTabContent

IV. Consequences for Violation of Policies

Employees and District contractors are on notice that violation of these District policies may result in disciplinary action, up to and including termination of employees, or termination of third-party contracts with vendors and service providers:

- **Mandatory Termination of Contracts:** Policy CJ (LOCAL) provides that any intentional or knowing violation of these prohibitions constitutes a material breach of contract. If the District determines through administrative review or inquiry that a contractor has intentionally or knowingly engaged in DEI duties, assigned DEI duties to another individual, or conducted prohibited instruction or guidance, the violation shall result in the termination of the contract. Penalties for violating the District's policies apply to all contractors, vendors and service providers, regardless of whether the prohibited act was committed by an executive officer, a staff employee, or a third-party agent acting on behalf of the contracting entity.

- **Employee Discipline:** Employees who violate the District's policies and standards of professional conduct may be subject to discipline, up to and including possible termination of employment.

V. Certain Practices Exempted

Policy BT (LEGAL) explicitly clarifies that these prohibitions do not apply to, restrict, or modify several core educational and commercial functions. Contractors and employees may safely engage in the following activities without violating the District's anti-discrimination policies:

1. **Historically Underutilized Businesses (HUBs):** The policy does not limit or prohibit the District from actively contracting with historically underutilized businesses in accordance with applicable Texas procurement statutes.

2. **Commemorative and Holiday Instruction:** Contractors may acknowledge, reference, or teach the historic significance of state and federal holidays, or celebrate federally designated commemorative months, provided the curriculum aligns with the Texas Essential Knowledge and Skills (TEKS) frameworks.

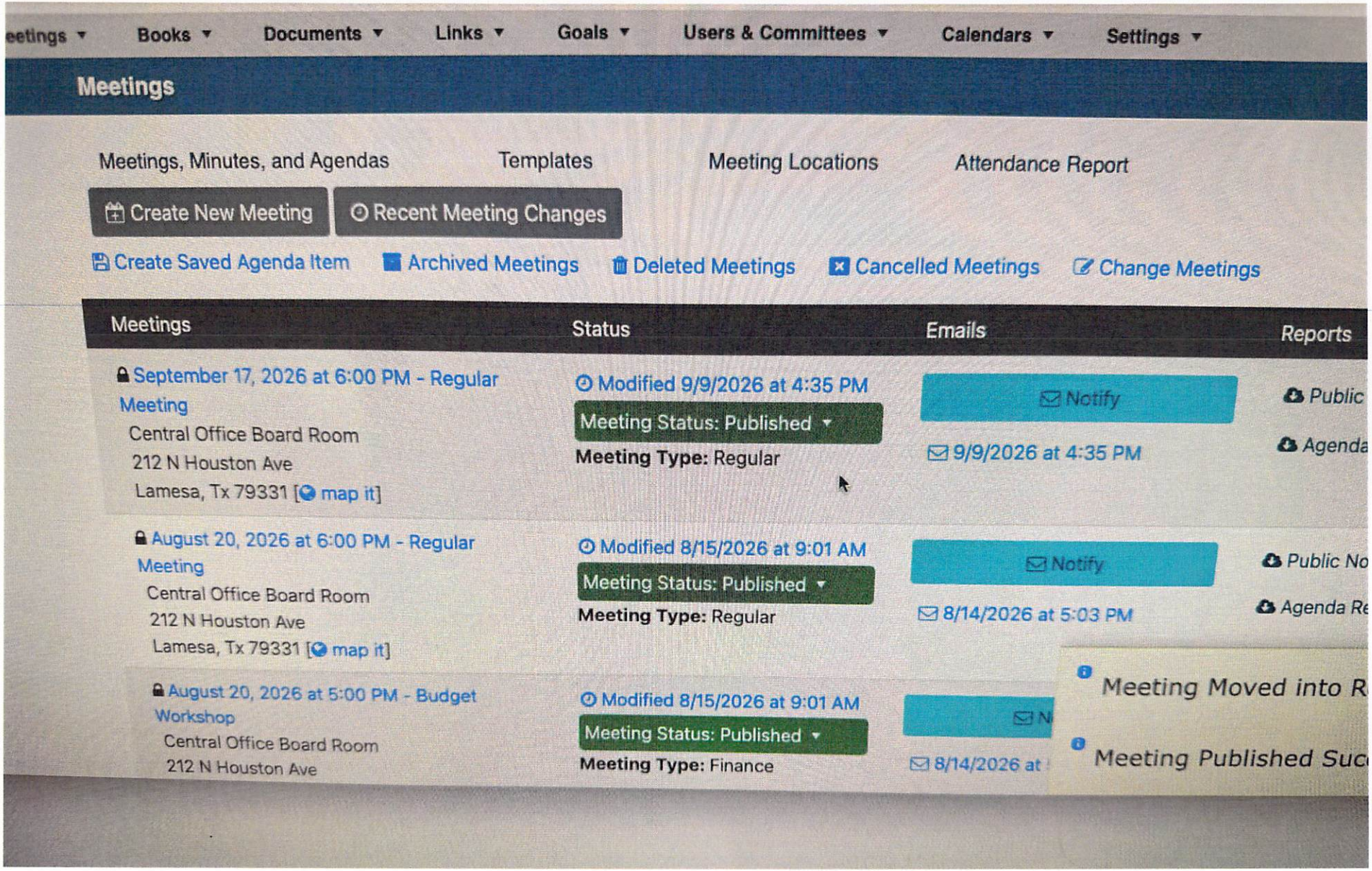
3. **Constitutional Protections:** Nothing in these guidelines shall be construed to infringe upon or affect a student's core constitutional rights under the First Amendment to the United States Constitution or Article I, Section 8, of the Texas Constitution.

4. **Academic Achievement and Data Reporting:** Data collection, standard monitoring, or state reporting are not impacted by the District's policies. Practices, procedures, or programs designed to eliminate unlawful discriminatory patterns, address academic achievement gaps, or enhance postgraduate student success are not impacted by these policies. These programs are structured and implemented entirely without regard to race, sex, color, or ethnicity.

Thank you for your attention to these important policy changes. Anyone wishing to receive a printed copy of any or all of the policies referenced in this memorandum may access the policies from the District's online policy manual https://pol.tasb.org/PolicyOnline?key=377 or by contacting Bonnie Avey, Superintendent at (806) 872-5461.

Sincerely,
Dr. Bonnie Avey
Superintendent of Schools

Dr. Bonnie Avey, Superintendent
Lamesa ISD PO Box 261 Lamesa, TX 79331
(806) 872-5461


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Meetings, Minutes, and Agendas
Templates
Meeting Locations
Attendance Report
Create New Meeting
Recent Meeting Changes
Create Saved Agenda Item
Archived Meetings
Deleted Meetings
Cancelled Meetings
Change Meetings
Meetings
Status
Emails
Reports
September 17, 2026 at 6:00 PM - Regular Meeting
Central Office Board Room
212 N Houston Ave
Lamesa, Tx 79331 [map it]
Modified 9/9/2026 at 4:35 PM
Meeting Status: Published
Meeting Type: Regular
Notify
9/9/2026 at 4:35 PM
Public
Agenda
August 20, 2026 at 6:00 PM - Regular Meeting
Central Office Board Room
212 N Houston Ave
Lamesa, Tx 79331 [map it]
Modified 8/15/2026 at 9:01 AM
Meeting Status: Published
Meeting Type: Regular
Notify
8/14/2026 at 5:03 PM
Public No
Agenda Re
August 20, 2026 at 5:00 PM - Budget Workshop
Central Office Board Room
212 N Houston Ave
Modified 8/15/2026 at 9:01 AM
Meeting Status: Published
Meeting Type: Finance
8/14/2026 at
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