



UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

TOPIC: Review of LEGAL Policies in TASB Update 109

SUBMITTED BY: Gloria S. Rendon **OF:** Assoc. Superintendent for Administration

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: December 20, 2017

INFORMATIONAL REPORT:

Review of LEGAL Policies in TASB Update 109

See Attached List

Explanatory Notes

TASB Localized Policy Manual Update 109

District: United ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 85th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

As described on the separate insert included with your Update 109 materials, Update 109 includes several revisions to your policies to enhance accessibility for people with disabilities. One of those changes is that margin notes have been converted from all capital letters to just the first letter of each word being capitalized (title case). For consistency, these explanatory update notes also use title case when referring to the margin notes within a policy.

A (LEGAL) BASIC DISTRICT FOUNDATIONS

The A section table of contents has been revised to change the subtitle of AIC to Interventions and Sanctions.

AE (LEGAL) EDUCATIONAL PHILOSOPHY

The objectives of the Texas public education system have been updated and moved from AE(EXHIBIT) to this legally referenced policy. HB 136 changes some of the objectives to focus on postsecondary success.

AE (EXHIBIT) EDUCATIONAL PHILOSOPHY

The content of this exhibit has been moved with revisions to AE(LEGAL), below.

AF (LEGAL) INNOVATION DISTRICTS

As revised at Website Posting, SB 1566 requires a school district to post and maintain a copy of the district's local innovation plan in a prominent location on the district's website. Within 15 days of the board adopting a plan, plan amendment, or plan renewal, the district must provide a copy to the commissioner. (See Copy to Commissioner on page 4.)

AIA (LEGAL) ACCOUNTABILITY ACCREDITATION AND PERFORMANCE INDICATORS

HB 22 prompted numerous revisions to this legally referenced policy on performance indicators, including:

- Reducing the current achievement indicators from five domains to three: student achievement, school progress, and closing the gaps (see Achievement Indicators on page 4);
- Defining a D rating for the A–F performance ratings and requiring that the ratings be designed so that it is possible for all districts and campuses to receive A ratings (see A–F Performance Ratings beginning on page 5); and
- Adding detailed provisions on local accountability systems, in which campus performance ratings are assigned by the school district (see Local Accountability System beginning on page 6).

SB 22 revised the indicators of the quality of learning to delete reference to articulated postsecondary degree programs. (See Quality of Learning Indicators beginning on page 4.)

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AIB (LEGAL) ACCOUNTABILITY PERFORMANCE REPORTING

Changes to this legally referenced policy on performance reporting were based on several bills.

- SB 490 added a requirement that the district performance report (TAPR) include the number of school counselors providing services at each campus. (See District Performance Report—TAPR.)
- HB 22 repealed community and student engagement provisions that previously made up the fifth domain of the school accountability system.
- SB 1566 creates an opportunity for districts to provide district data on academic achievement to TEA and request that TEA create a website that will allow review of campus and district academic achievement data. (See District Data on Academic Achievement on page 5.)

In addition, an existing provision from the Administrative Code has been added. The provision requires the district, at an open meeting of the board, to establish annual performance goals for programs, activities, and strategies implemented with high school allotment funds related to the performance indicators listed in the policy. The board must annually review progress on the indicators. (See High School Allotment Annual Performance Review beginning on page 3.)

AIC (LEGAL) ACCOUNTABILITY INTERVENTIONS AND SANCTIONS

This legally referenced policy on interventions and sanctions has been significantly reorganized to better reflect the current statutory structure of Chapter 39A, as redesignated by SB 1488, and was updated based on several bills.

- The commissioner may order a district to use the new commissioner-developed board self-evaluation tool established by SB 1566 if the district does not satisfy accreditation criteria, academic performance standards, or any financial accountability standard, or if considered appropriate by the commissioner on the basis of a special accreditation investigation. (See Authorized Commissioner Actions, item 10.)
- HB 22 requires the commissioner to order a targeted improvement plan if a district or campus is assigned an overall or domain performance rating of D. (See Needs Improvement Rating, beginning on page 9.)
- A campus turnaround plan must include a description for developing and supporting student academic achievement by the board, as required by SB 1566. (See Required Contents, item 6, on page 12.)
- HB 2263 requires the commissioner to approve or reject any campus turnaround plan each year. If rejecting the plan, the commissioner must provide the reasons, and the district must submit a modified plan to the commissioner, who must then notify the district in writing of the commissioner's decision regarding the modified plan. (See Commissioner Approval or Rejection on page 13.)

BAA (LEGAL) BOARD LEGAL STATUS POWERS AND DUTIES

SB 1566 added three provisions to the board's powers and duties.

At Mandatory Powers and Duties, a school board must provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.

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At Discretionary Powers and Duties, the board may:

- Require the district's chief business official, curriculum director, or person holding an equivalent position to appear at an executive session or to testify at a public hearing of the board without interference by the superintendent; and
- Establish, consistent with statutory provisions, before- and after-school programs for students enrolled in elementary or middle school grades.

**BBD (LEGAL) BOARD MEMBERS
 TRAINING AND ORIENTATION**

Revisions to this legally referenced policy on board member training are from SB 1566 and include:

- A new requirement to complete at least three hours of SBOE-required training every two years on evaluating student academic performance (see SBOE-Required Training); and
- Revised provisions on reporting board member training deficiencies, which now must be reflected in the minutes of the last regular board meeting before an election of trustees (instead of the last meeting of a calendar year), and, if there is a deficiency as of the first anniversary of the date of the board member's election or appointment, the minutes must be posted on the district's website within ten days and remain until the deficiency is resolved (see Reporting on page 2.)

**BBE (LEGAL) BOARD MEMBERS
 AUTHORITY**

Revisions to this legally referenced policy on board member authority are from SB 1566.

- A district must create a policy on board member visits to a district campus or facility. [See BBE(LOCAL), below.]
- SB 1566 deleted a provision regarding a district's discretion whether to provide a board member access to FERPA-protected records. New provisions require a board member to maintain the confidentiality of records as required by FERPA and any other applicable privacy laws. (See Access to Information.)
- A district must respond to a board member's request for records within 20 business days, subject to some exceptions for unduly burdensome requests. If a district does not provide the records by the deadlines, a board member may sue the district, and any awarded costs and fees must be paid from the budget of the superintendent's office.

In addition, we have deleted references to two attorney general opinions that are no longer necessary to include in light of recent statutory revisions clarifying board member access to information.

**BBE (LOCAL) BOARD MEMBERS
 AUTHORITY**

Based on SB 1566, new text is recommended for this policy to:

- Explain that the district shall respond to a board member's requests for records within the time frames required by law, as described above at BBE(LEGAL); and
- Satisfy the new requirement for a policy regarding board member visits to a district campus or other facility. The recommended language requires a board member to follow any posted requirements for visitors and limits visits that interfere with the delivery of instruction or district operations.

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**BBFA (LEGAL) ETHICS
CONFLICT OF INTEREST DISCLOSURES**

For appointed officials who are required to file a personal financial statement with the Texas Ethics Commission, HB 791 provides the option to file by certified mail rather than electronically. (See Electronic Filing on page 8.)

**BDAE (LEGAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY**

At Contract—Term on page 3, SB 754 allows a school district and its depository bank to agree to extend a depository contract for three additional two-year terms and to modify the contract for each two-year extension.

An existing statutory provision added at Method, on page 1, requires the district to keep a selected bid or proposal form, as applicable, and make it available to TEA upon request.

BE (LEGAL) BOARD MEETINGS

Multiple bills affected this legally referenced policy on board meetings.

SB 1440 revises the definition of a meeting to exclude the gathering of a quorum of board members at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the event. (See Social Function, Convention, or Candidate Event on page 2.)

Provisions on meetings by videoconference call have been clarified by HB 3047 to address loss of connection by a participating board member. As long as all other requirements for the videoconference call meeting are satisfied, the board may continue the meeting, without the disconnected member, if a quorum of the body remains present at the meeting location. The meeting is not required to be recessed or adjourned. HB 3047 also addresses the quality of audio and video signals for videoconference call meetings. (See Meeting by Videoconference Call on page 7 and Quality of Audio and Video Signals on pages 7–8.)

At Video and Audio Recording of Meeting, provisions were expanded by HB 523 to require recording of a work session or special called meeting in a district with a student enrollment of 10,000 or more if the board votes on any matter or allows public comment or testimony at the work session or meeting.

**BEC (LEGAL) BOARD MEETINGS
CLOSED MEETINGS**

SB 564 provides school boards a closed meeting exception to deliberate security assessments or deployments relating to information resources technology; network security information; or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices. (See Security on page 2.)

BG (LEGAL) BOARD SELF-EVALUATION

A board may choose whether to use the commissioner-developed board self-evaluation tool established by SB 1566, unless the commissioner orders the board to use the tool. See AIC(LEGAL), above.

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- At Certificates of Deposit and Share Certificates, HB 2928 addresses how these authorized investments may be secured.
- HB 1003 revised provisions at Repurchase Agreements, modified the criteria for investing in certain mutual funds, made changes at Guaranteed Investment Contracts, and authorized investment in certain hedging transactions for districts with a specified level of indebtedness (see Hedging Transactions).
- At Prohibited Investments, SB 253 imposes obligations related to prohibited investments in companies with certain business operations in Sudan or Iran, or with foreign terrorist organizations.
- Changes at Sellers of Investments are from HB 1701 and address documents supplied by business organizations who engage in investment transactions with a district and explain that the district has ultimate responsibility to ensure that investments are in compliance with the district's investment policy.

CDA (LOCAL) OTHER REVENUES
INVESTMENTS

A revision at Sellers of Investments is to align with changes from HB 1701 described at CDA(LEGAL), above, and requires a business organization, as defined by law, that engages in investment transactions with a district to provide the district written documents required by law. The reference to brokers/dealers has been retained as a best practice.

CE (LEGAL) ANNUAL OPERATING BUDGET

SB 622 requires a school board to include a line item in its proposed budget showing expenditures for notices required by law to be published in a newspaper. The information must allow a comparison between the proposed budget and actual expenditures for the same purpose in the preceding year. (See Public Notice Expenditures.)

Other changes were to reorder provisions for better flow and to align wording more closely with statutory provisions.

CFA (LEGAL) ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

Changes at Accounting System are from HB 1930, which repealed certain financial accounting and reporting standards that were previously included in Texas Government Code Chapter 2266. This change in law applies beginning with the district's first fiscal year that begins on or after September 1, 2018.

Other changes are to reference the rules for financial accounting and to better reflect statutory wording.

CH (LEGAL) PURCHASING AND ACQUISITION

At Required Contract Provision, a district may not enter into a contract with a company for goods and services unless the contract contains a written verification that the company does not and will not boycott Israel during the term of the contract. This change is from HB 89.

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At Disclosure of Interested Parties, for a district contract valued at \$1 million or more or that requires an action or vote by the board, existing law requires a vendor disclosure before the contract may be signed. In accordance with SB 255, this disclosure requirement does not apply to a contract with a publicly traded business entity, an electric utility, or a gas utility. In addition, SB 255 makes changes to the required form used for these disclosures, for contracts entered into or amended on or after January 1, 2018.

A cross-reference to CV(LEGAL) has been added regarding prohibited professional services contracts and other prohibited contracts.

SB 262 requires a district contracting for the purchase of an automated information system through the Department of Information Resources to comply with certain statutory requirements. See Multiple Award Contract Schedule.

SB 706 repealed a provision allowing districts to participate in a contract awarded by the State Council on Competitive Government.

CI (LEGAL) SCHOOL PROPERTIES DISPOSAL

HB 3223 creates a penalty for the sale or transfer of a law enforcement vehicle if a district fails to remove emblems or insignia as required by law.

CJA (LEGAL) CONTRACTED SERVICES CRIMINAL HISTORY

In addition to background checks applicable to contractors who provide services to school districts under existing law, HB 3270 adds specific criminal background check provisions for public works contractors.

The new provisions at Criminal History—Certain Public Works Contractors apply to a noncertified employee of a contractor or subcontractor on a public works project if the employee has continuing duties related to the contracted services and the opportunity for direct contact with students. The contractor or subcontractor must ensure a national criminal history record check on these employees is completed through the Department of Public Safety clearinghouse. Certain convictions will disqualify the employee from providing services at an instructional facility. A district may adopt a policy regarding an emergency, in which case a district may allow a person subject to these new provisions to enter an instructional facility if accompanied by a district employee. Please contact your policy consultant if you would like to receive sample policy text to address this emergency provision.

Relevant terms are defined in the policy, including what constitutes "direct contact with students."

CKC (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY PLANS

HB 332 addresses polling place security and requires a district to include in its multi-hazard emergency operations plan (EOP) a policy for district property used as a polling place. The board may consult with local law enforcement regarding reasonable security accommodations but is not required to obtain or contract for the presence of law enforcement to secure a polling place. (See Polling Place Security.)

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CKC (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY PLANS

New text recommended at this policy addresses the HB 332 requirement to include in the district's emergency operations plan (EOP) a "policy" addressing security of district property used as a polling place. The policy text refers to these "procedures" being included in the EOP, as EOPs are not typically board adopted.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT SECURITY PERSONNEL

At Refusal or Removal by Peace Officer and Refusal or Removal by School Resource Officer, we have added references to a provision permitting a district peace officer or school resource officer to refuse to allow a person to enter or to eject a person from property under the district's control under certain circumstances. The full statutory provision, added by SB 1553, is included in GKA(LEGAL), below.

Other legislative changes include:

- A new provision under Powers and Duties on page 2 requiring a peace officer to execute an emergency detention order upon request of the Texas Civil Commitment Office (SB 1576);
- Also at Powers And Duties, new provisions permitting a peace officer, in the course of an investigation of a criminal offense, to inquire about the nationality or immigration status of a victim or witness to the offense in certain circumstances (SB 4);
- Additional provisions pertaining to operation of district police departments, including additional details on motor vehicle stops, racial profiling policies, and diversion of individuals suffering from a mental health crisis or substance abuse issue (SB 1849) (see pages 5–8);
- Consequences for failure to report to the attorney general after an officer-involved injury or death (HB 245) (see page 8); and
- At School Marshals, clarification of provisions addressing the number of marshals that may be appointed per number of students and the type of ammunition that may be used (HB 867).

Note: SB 4 created a new subchapter in the Texas Government Code addressing immigration enforcement, including compliance with federal detainer requests. The new Government Code subchapter does not apply to school districts. However, the provision added to the policy mentioned above at Powers and Duties was added to the Code of Criminal Procedure and does apply to school districts.

CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

At Energy or Water Conservation Measures, HB 1571 replaced the detailed Education Code definition of an energy savings performance contract with a reference to the definition found in the Local Government Code and revised provisions to allow the district to use any available money to pay the provider of the conservation measures (see Financing).

Pools and other such bodies of water used for recreation must comply with "relevant" safety standards in accordance with HB 1468. (See Pools on page 4.)

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CLA (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
SECURITY

We have added a reference to a provision permitting a school administrator, school resource officer, or district peace officer to refuse to allow a person to enter or to eject a person from property under the district's control under certain circumstances. The full statutory provision, added by SB 1553, is included at GKA(LEGAL), below.

CLC (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
TRAFFIC AND PARKING CONTROLS

Revisions to this policy are to better reflect statutory wording.

CMD (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

This legally referenced policy on instructional materials has been significantly revised and reorganized based on extensive Administrative Code rule changes effective May 8, 2017, and HB 3526 and SB 810. Important revisions are outlined below.

HB 3526:

- Replaces "instructional materials" terminology with "technology and instructional materials"; and
- Authorizes a district, when determining whether each student has instructional materials that cover all elements of the TEKS, to consider open education resource instructional materials included in the new instructional materials web portal that the commissioner of education must develop.

The Administrative Code amendments repealed several provisions that duplicated statute and:

- Clarified distribution of funds for high enrollment growth districts and added the possibility of additional bilingual instructional materials funding (see High Enrollment Growth on page 2);
- Added to the list of permitted expenditures to include materials for students with disabilities and activities related to local review and adoption of materials (see Permitted Expenditures on page 3);
- Added to the list of prohibited expenditures software used for tracking and managing instructional material inventory (see Prohibited Expenditures on page 4);
- Deleted provisions about reimbursements to provide districts greater flexibility and added provisions on access to the allotment (see page 5);
- Revised provisions on special and bilingual instructional materials (see pages 6 and 7); and
- Clarified when electronic instructional materials are in acceptable condition (see page 9).

CNA (LEGAL) TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION

SB 195 expanded the reasons for which a district may apply for an additional transportation allotment for students residing within two miles of a campus to include areas presenting a high risk of violence in addition to the existing factor of hazardous traffic conditions. Areas presenting a high risk of violence must be documented to TEA with law enforcement records. A district may use additional funds received to support community walking transportation programs.

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**CNA (LOCAL) TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION**

Changes to this policy are a result of SB 195, which expanded the reasons for which a district may apply for an additional transportation allotment for students residing within two miles of a campus to include areas presenting a high risk of violence in addition to the existing factor of hazardous traffic conditions. If the district applies for additional funding based on either or both factors, the board must adopt an appropriate resolution describing the areas.

Recommended for deletion are provisions addressing eligibility to participate in the district's transportation system by students for whom the district does not receive transportation funds, as these provisions are typically addressed in administrative regulations.

**CNC (LEGAL) TRANSPORTATION MANAGEMENT
TRANSPORTATION SAFETY**

Multiple bills affected this legally referenced policy on transportation safety.

- SB 693 requires a school bus to have three-point seat belts, unless the bus is a 2017 or earlier model or, for a 2018 or later model, the board determines by a vote in a public meeting that the district's budget does not permit the district to purchase a bus with the required seat belts.
- HB 62 creates an offense for using a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped, and adds a definition of "hands-free device."
- HB 2880 addresses the criminal consequences for exhibiting, using, or threatening to exhibit or use a firearm on a school bus.

CO (LEGAL) FOOD SERVICES MANAGEMENT

For students whose meal card or account balance is exhausted, previous law allowed the administration to establish the grace period during which a student could continue to charge meals. SB 1566 now requires the board to establish the length of the grace period. (See Insufficient Meal Card Balance.)

Provisions at Donation of Food are from SB 725, which allows a district to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus. Under this program, a district may adopt a policy under which the district provides food at no cost to students who are unable to purchase meals or a snack. See CO(LOCAL), below.

CO (LOCAL) FOOD SERVICES MANAGEMENT

Because information received from your district indicated that you provide free meals to all students through district-wide participation in the Community Eligibility Provision or Provision 2 Program, language addressing a grace period for depleted prepaid meal accounts is unnecessary and has been deleted.

Recommended text at Food Donations authorizes the superintendent to develop regulations for campuses to donate food as permitted by SB 725. See CO(LEGAL), above.

Sample administrative procedures on food donations will be included in the next update to the *TASB Regulations Resource Manual*, available in December 2017.

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**CQA (LEGAL) TECHNOLOGY RESOURCES
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES**

Several new items have been added to the list at Required Internet Postings:

- SB 1566 requires a district to post a copy of the district's local innovation plan in a prominent location on the district's website (items 1 and 2) and to post board meeting minutes reflecting that a trustee is deficient in meeting training requirements (item 11).
- HB 1638 requires posting of agreements between the district and an institution of higher education to provide a dual credit program (item 27).
- SB 1553 requires posting of a notice regarding the district's ability to refuse entry or eject certain persons from property under the district's control (item 34).

The posting requirements related to community and student engagement ratings were repealed by HB 22.

**CRB (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
LIABILITY INSURANCE**

As reflected at Career And Technology Insurance, HB 639 repealed an existing provision on career and technology education (CTE) insurance coverage and added new provisions. The board may obtain accident, liability, or automobile insurance coverage to protect participants in a district CTE program. The new provisions also address notice to parents and district and student immunity.

**CRE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION**

At Ombudsman Program, HB 2082 requires a district that employs first responders to notify responders of the liaison available to assist an injured responder during a workers' compensation administrative dispute resolution process.

HB 451 permits a first responder who alleges workers' compensation retaliation by a district to sue the district for relief under the Labor Code. (See Claims by First Responder.)

CV (LEGAL) FACILITIES CONSTRUCTION

At Required Contract Provision, HB 89 prohibits a district from entering into a contract with a company for goods and services unless the contract contains a written verification that the company does not and will not boycott Israel during the term of the contract.

At Standard of Care, HB 3021 removes the requirement that a contract for engineering or architectural services include a provision requiring an engineer or architect to perform services with the skill and care provided by competent engineers or architects practicing "in the same or similar locality." A district may include and enforce conditions that relate to the scope, fees, and schedule of a project.

At Prohibited Contracts, a district may not enter into a contract with a company that is identified on the comptroller's list of companies known to have contracts with or provide supplies or services to a foreign terrorist organization. This change is from SB 252.

Other changes are to better reflect statutory wording.

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CV (EXHIBIT) FACILITIES CONSTRUCTION

This exhibit is recommended for deletion from the policy manual. Policy CV(LLEGAL), below, has been adjusted where appropriate to refer to the Administrative Code provisions included in this exhibit.

**DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS**

HB 3563 clarifies that state-required notice is not applicable if a school provides notice in accordance with ESSA regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned. (See State-Required Notice—Lack of Credentials.)

An obsolete provision was deleted at Professional Personnel.

DC (LEGAL) EMPLOYMENT PRACTICES

In accordance with SB 7, an applicant for certain professional positions that require certification or license with a district must submit a pre-employment affidavit disclosing a charge, adjudication, or conviction based on an inappropriate relationship with a minor. A failure to disclose is grounds for termination. Although a disclosed charge does not preclude employment if the district determines that the charge was false, SBEC may revoke an administrator's certificate if it is reasonable to believe that the administrator employed an applicant in a relevant position and was aware that the applicant had been adjudicated for or convicted of an inappropriate relationship with a minor. (See Pre-Employment Affidavit.)

SB 7 authorizes SBEC to take certain actions if a person helps another get a job at a school district and the person knew that the other person had engaged in sexual misconduct with a minor or student. The commissioner may require a district to revoke or decline to issue a school district teaching permit requested by a person subject to SBEC action. (See Employment Assistance Prohibited—State Law.)

**DEC (LEGAL) COMPENSATION AND BENEFITS
LEAVES AND ABSENCES**

HB 88 provides that an employer commits an unlawful employment practice if the employer's leave policy allows use of personal leave to care for an employee's sick biological or adopted minor child but does not allow similar use regarding an employee's foster child. (See Leave for Sick Foster Child.)

Other changes are to better reflect statute.

**DECA (LEGAL) LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE**

A revision at Qualifying Reasons for Leave is to better match statutory wording.

**DECB (LEGAL) LEAVES AND ABSENCES
MILITARY LEAVE**

HB 2486 provides that a district employee who is a member of a listed military branch or an urban search and rescue team and who is ordered to duty is entitled, when relieved from duty, to be restored to the position held when ordered to duty. (See State Leave for Member of Military or Rescue Team.)

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HB 3066 updated references to federal law at Called to Duty. Other changes are to better track statutory language.

DF (LEGAL) TERMINATION OF EMPLOYMENT

Changes to this policy on termination of employment are from SB 7 and include:

- Revision to the criminal offenses for which the district, upon notification that SBEC has revoked the employee's certificate, must take immediate action to terminate employment;
- Authorization for the board to delegate to a designee the authority to take certain termination actions without further board action when a contract employee has engaged in serious criminal conduct; and
- A requirement for a principal to report to the superintendent an educator's termination for certain misconduct.

DF (LOCAL) TERMINATION OF EMPLOYMENT

As described above at DF(LEGAL), SB 7 authorizes the board to delegate to a designee the authority to take certain termination actions without further board action when a contract employee has engaged in serious criminal conduct. This delegation would allow a faster response in these situations. The recommended policy designates the superintendent as the board's designee. **If the board does not wish to identify a designee through board policy, contact the district's policy consultant for an adjustment to this policy.**

DFBA (LEGAL) TERM CONTRACTS SUSPENSION/TERMINATION DURING CONTRACT

SB 7 requires a principal to report to the superintendent within seven business days an educator's termination for certain misconduct. (See Report by Principal.)

DFE (LEGAL) TERMINATION OF EMPLOYMENT RESIGNATION

SB 7 clarifies the requirement to complete an investigation of an educator that involves evidence that the educator may have had a romantic relationship or committed an unlawful act with a minor. The investigation must be completed even if the educator resigns. (See Investigation on page 2.)

Also from SB 7 is a provision requiring a principal to notify the superintendent no later than seven business days after the date of an educator's resignation following an alleged incident of misconduct described above. (See Report by Principal.)

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

SB 7 prompted two revisions to this legally referenced policy on employee standards of conduct.

- A district must adopt a policy on electronic communications, as defined in the policy, between employees and students. The policy must include provisions designed to prevent improper electronic communications, allow an employee to elect not to disclose to students a personal telephone number or e-mail address, and include information about how an employee should notify appropriate administrators when a student engages in improper communications with the employee. See DH(LOCAL), below.

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- A person is ineligible for a retirement annuity from TRS if the person is convicted of a qualifying felony, as defined in the policy. A district with knowledge of a conviction must notify TRS.

SB 1566 provides that a district may not prohibit an employee with a handgun license from transporting or storing a handgun, firearm, or ammunition that is not in plain view in a locked vehicle in a district parking area. (See Transportation or Storage of Firearm in School Parking Area.)

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Recommended revisions to this local policy on employee standards of conduct include:

- Clarification that the policy makes all district employees subject to the Educators' Code of Ethics;
- Change in terminology from "illegal knife" to "location-restricted knife" at Weapons Prohibited (HB 1935);
- Clarification that a district may not prohibit an employee with a handgun license from storing an unloaded gun that is not in plain view in a locked vehicle in a district parking area at Weapons Prohibited—Exceptions (SB 1566);
- Clarification at Electronic Communication regarding when an employee may use personal electronic platforms, applications, or accounts to communicate with students; to emphasize that electronic communications must comply with the ethical standards in the Educators' Code of Ethics; and to state that employees do not have an expectation of privacy in communications with students;
- Additional provisions at Electronic Communication to require an employee to report improper electronic communications by a student and to allow employees to choose whether to disclose a personal e-mail address or phone number to a student (SB 7);
- Acknowledgment that the district will notify a parent if an educator has engaged in certain misconduct with the student at Relationships With Students (SB 7); and
- Inclusion of the required notice of drug-free workplace provisions that were previously in a separate exhibit at DI.

The remainder of the district's extensive locally developed text has been retained, with minor editing for clarity and to remove repetitive provisions.

Please note: It is critical to ensure that the district's employee and student handbook choices align with the district's policy provisions at Electronic Communication.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

Revisions to this legally referenced policy on reports to the SBEC are from SB 7.

Provisions at Reportable Misconduct were reverted to the statutory text, as the revisions from SB 7 do not align with the existing Administrative Code rules.

The superintendent must complete an investigation of an educator that "involves evidence" that the educator may have had a romantic relationship or committed an unlawful act with a minor, even if the educator resigns. (See Investigation.) All deadlines for reporting to SBEC are now seven "business" days. (See Deadline to Report.)

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At Notice—To the Board and Educator, a board must adopt a policy providing for notification to the parent of a student with whom an educator allegedly engaged in abuse or otherwise committed an unlawful act or with whom the educator was involved in a romantic relationship or solicited or engaged in sexual contact. See FFF(LEGAL), below.

Newly added consequences for failing to report include administrative penalties, consisting of fines between \$500 and \$10,000, and, if the failure to report was based on an intent to conceal information, a criminal offense of a state jail felony. (See Sanctions for Failure to Report on page 3.)

Superintendents and principals have immunity for good faith reports to SBEC or for communications with other superintendents or principals about an educator's criminal record or an alleged incident of misconduct.

Other changes are for clarification and to better reflect statutory wording.

DI (EXHIBIT) EMPLOYEE WELFARE

As explained at DH(LOCAL), above, the required notice of drug-free workplace is now included in local policy. As a result, this exhibit is recommended for deletion.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

Changes to this legally referenced policy on staff development are from multiple bills and address training on:

- Digital learning (from SB 1839; see Training Specifics—Educators);
- "Evidence-based" instruction of students with disabilities (from SB 1839; see Students with Disabilities);
- Various topics related to mental health, grief and trauma affecting student learning, and positive behavioral interventions and supports (from HB 4056 and SB 179; see Mental Health Support Programs); and
- Concussions, now provided by the Texas Department of Licensing and Regulation (from SB 1488; see Concussions).

Other revisions are to more closely track statutory wording.

Please note: SB 2039 addresses raising awareness and prevention of sex trafficking. The bill included training provisions for students and staff and a requirement for the commissioner and the Texas task force on human trafficking prevention to develop one or more sexual abuse and sex trafficking instructional modules that a school district may use in the district's health curriculum. The provisions of the bill have not been included in the policy manual because the bill was dependent on the 85th Legislature making an appropriation, which did not occur. However, preventing sex trafficking remains a priority for the state; TEA and the governor's office plan to share educator training on identifying risks and curriculum units for students at various grade levels. Helpful information on preventing sex trafficking is available on the [Texas Attorney General's website](#) and on [TEA's website](#).

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**DNA (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS**

Revisions at Confidentiality on page 3 are from SB 7 and clarify that confidential employment evaluation documents for teachers are not subject to disclosure under the Public Information Act. A district may give TEA these documents for an investigation.

The required components of teacher appraisal were revised as a result of amended commissioner rules. The changes delete references to specific student growth measures. (See Required Components on page 2.)

**DNB (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS**

Revisions at Confidentiality on page 6 are from SB 7 and clarify that confidential employment evaluation documents for administrators are not subject to disclosure under the Public Information Act. A district may give TEA these documents for an investigation.

DP (LEGAL) PERSONNEL POSITIONS

A principal must notify the superintendent no later than the seventh business day after the date of an educator's termination or resignation following an alleged incident of misconduct described at DHB(LEGAL) above or after obtaining information about an educator's criminal record. (See Principal's Report to Superintendent.)

EB (LEGAL) SCHOOL YEAR

HB 441 prohibits instruction on Memorial Day.

Please note that HB 2442 revised the provision requiring at least 75,600 minutes of instruction to instead require a district to operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and student recesses. Because this change is effective with the 2018-19 school year, it will be included in a future update.

EC (LEGAL) SCHOOL DAY

This legally referenced policy regarding the school day has been updated to reflect citation changes.

Please note that legislative changes from HB 2442 repealing the Education Code provision stating that a school day shall be at least seven hours each day and deleting the provision defining a day of instruction as consisting of 420 minutes are effective with the 2018–19 school year and will be included in a future update.

EF (LEGAL) INSTRUCTIONAL RESOURCES

HB 3526 replaces "instructional materials" terminology with "technology and instructional materials."

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**EFA (LEGAL) INSTRUCTIONAL RESOURCES
 INSTRUCTIONAL MATERIALS**

SB 810 replaces terminology regarding "open-source" materials with "open education resource" materials, as defined in the policy. In selecting instructional material each year, a district may consider open education resource instructional material. (See page 3.)

SB 801 updates the requirements for materials on the supplemental instructional materials list adopted by the SBOE. (See page 2.)

Other revisions are to better reflect statutory wording.

**EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM
 REQUIRED INSTRUCTION (ALL LEVELS)**

The school health advisory council's duties now include recommending instruction to prevent the use of e-cigarettes per SB 489. (See Duties, beginning on page 4.)

**EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM
 ELECTIVE INSTRUCTION**

In approving local credit courses for high school credit, HB 3593 requires the SBOE to approve courses in cybersecurity. (See page 3.)

**EHB (LEGAL) CURRICULUM DESIGN
 SPECIAL PROGRAMS**

Beginning with the 2017–18 school year, HB 1886 requires school districts to conduct dyslexia screening at the end of the each student's kindergarten and first grade school years. (See Screening, Testing, and Identification.)

SB 1153 requires a district to provide annual notice to the parent of each child in general education to whom the district or school provides assistance for learning difficulties, including intervention strategies. Specific requirements for the notice and a definition of "intervention strategy" are included in the policy. (See Parental Notice of Assistance for Learning Difficulties.)

**EHBAB (LEGAL) SPECIAL EDUCATION
 ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PRO-
 GRAM**

Revised commissioner rules effective March 1, 2017, have been added at Failure To Reach Agreement and allow each member of the ARD committee who disagrees with the IEP to include a statement of disagreement in the IEP.

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**EHBAD (LEGAL) SPECIAL EDUCATION
TRANSITION SERVICES**

The list of issues that the ARD committee must consider and address in individual transition planning for students receiving special education services was revised by HB 1886 and SB 748. The committee must annually review these transition planning issues and update the student's IEP if necessary. (See Individual Transition Planning.)

Regarding the transition and employment guide developed by TEA, these bills require a district to assist a student, if necessary, and provide a printed copy of the guide upon request by a student or parent, in addition to the existing requirements to post the guide on the district's website and provide parents with necessary assistance in accessing the guide. (See Transition and Employment Guide beginning on page 2.)

**EHBAE (LEGAL) SPECIAL EDUCATION
PROCEDURAL REQUIREMENTS**

Provisions at Transfer of Rights to Adult Students were revised by SB 748 and HB 1886 and apply with the 2018–19 school year. Under existing law, school districts must notify students in special education and their parents of the transfer of parental rights at least one year before the student turns 18. These bills require the notice to be in writing and to include certain information and resources that may enable the student to live independently. The student's IEP must include a statement that the district provided such notice, information, and resources. TEA must provide a model form for this notice requirement.

HB 1556 expands existing provisions in state law to implement the IDEA's requirement that a school district appoint a foster parent or surrogate parent to protect the rights of a child with a disability in the conservatorship of DFPS. (See Special Education Decision-Making for Children in Foster Care.)

**EHBAF (LEGAL) SPECIAL EDUCATION
VIDEO/AUDIO MONITORING**

This legally referenced policy on video cameras in self-contained classrooms or other special education settings has been revised in accordance with SB 1398, which:

- Clarifies that requests for video cameras must be in writing and that a request by a parent or staff member requires cameras to be placed only in the classrooms in which the parent's child is in regular attendance or to which the staff member is assigned;
- Requires each district to appoint an administrative coordinator;
- Defines who can make an authorized request for video cameras, including removing an individual trustee's right to make a request, and adds procedures for handling requests;
- Clarifies provisions that address recordings in bathroom areas to allow incidental recording of a minor portion of the bathroom or changing area due to the layout of the classroom or setting;
- Specifies that an instructional resource room is not a self-contained classroom and therefore is excluded from the locations eligible for cameras;
- Adds procedures for discontinuing operation of a camera during the school year;
- Shortens the retention period for recordings to three months, unless a request for viewing has been made;

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- Clarifies confidentiality provisions;
- Revises requirements for board policy to include deadlines for responding to a request and for beginning operation of a camera after a request, address requests and operation of cameras for the following school year, and include appeal information [see EHBAF(LOCAL), below]; and
- Provides for an expedited TEA review process of certain district decisions.

**EHBAF (LOCAL) SPECIAL EDUCATION
VIDEO/AUDIO MONITORING**

This local policy on video and audio monitoring of special education classrooms and other settings has been extensively revised in accordance with SB 1398 to include:

- The identification of the superintendent as the administrator responsible for coordinating the provision of equipment to campuses (**contact the district's policy consultant if someone other than the superintendent will be the coordinator**);
- New provisions regarding when a parent may request that a video camera be placed in a classroom for the following year;
- For current year requests, reference to the specific procedures in law that must be followed;
- The new requirement that the district must provide a response to a request within seven business days;
- Reference to the time frames in law for installation and operation of a video camera and details on when operation of a camera may be discontinued during the school year;
- Additional details on retention and confidentiality of recordings; and
- A new provision referring to an appeal to the commissioner of education.

**EHBAF (EXHIBIT) SPECIAL EDUCATION
VIDEO/AUDIO MONITORING**

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from Policy Service's records of your localized policy manual; or
- If you have revisions that you wish to submit to Policy Service for editorial and legal review and incorporation into Policy Service records.

**EHBC (LEGAL) SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES**

Multiple bills affect this legally referenced policy on compensatory services.

SB 1566 adds to the requirements for a required dropout prevention plan to include various items related to postsecondary success. (See Dropout Prevention Strategies beginning on page 2.)

HB 7 revises terminology regarding "foster group homes" to "cottage home operation, specialized child-care home, or general residential operation." (See Definition of High-Risk Student, item 13.)

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HB 3706 adds the option to provide a dropout recovery education program online and allows a district, under the optional flexible school day program to enroll a student in an online dropout recovery program without having to provide for the same number of instructional hours as courses offered in traditional programs. (See Dropout Recovery Education Program on page 5 and Optional Flexible School Day Program on page 7.)

**EHBG (LEGAL) SPECIAL PROGRAMS
PREKINDERGARTEN**

HB 357 expands eligibility for free prekindergarten to children over the age of three who are the children of peace officers, firefighters, or emergency medical first responders eligible for a Star of Texas Award, which is given to first responders who are killed or seriously injured in the line of duty. (See Eligibility beginning on page 1.)

**EHBK (LEGAL) SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES**

Under Mandatory Recognition Dates, Texas Military Heroes Day was added from SB 1901.

Two new optional recognition dates were added: Law Enforcement Appreciation Day is January 9 (HB 297) and Sexual Assault Awareness Month is in April (HB 822).

**EHDD (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT**

Provisions at College Credit Program have been revised based on:

- SB 1091, which limits courses that may be designated as dual credit to those in the core curriculum of the public institution of higher education, a CTE course, or a foreign language course (see corresponding changes at Community College Jurisdiction); and
- HB 1638, which requires a dual credit program agreement between a district and an institution of public education to include the items listed in statute, including program goals aligned with the dual credit goals developed by TEA and THECB.

**EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING**

At Student Eligibility, HB 587 adds military dependents to the list of students eligible for full-time enrollment in the Texas Virtual School Network (TXVSN).

**EIE (LEGAL) ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION**

When a student in special education fails to perform satisfactorily on a STAAR test in the grades 5 or 8, HB 657 requires the ARD committee to meet before a second STAAR test administration, and allows the committee to promote the student to the next grade level without a second test if the committee determines the student is making sufficient progress on the IEP goals. No later than September 1 of each school year, a district must notify the parent of each student enrolled in special education of the ARD committee's options under these provisions. (See Students Receiving Special Education Services beginning on page 9.)

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**EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION**

Rules on individual graduation committees that expired on September 1, 2017, have been deleted. As the Note in the policy indicates, the statutory provisions authorizing the use of these committees was extended to 2019.

EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

Higher education counseling for students who are or were previously in foster care must include information regarding the availability of education and training vouchers and tuition and fee waivers. When providing this information, the counselor must report to the student and the student's parent the number of times the counselor has provided the information to the student. The revisions are from SB 490 and HB 2537.

EJ (LOCAL) ACADEMIC GUIDANCE PROGRAM

This local policy is recommended for deletion from the district's policy manual, as it no longer aligns with current state guidance regarding the duties of a counselor.

EK (LEGAL) TESTING PROGRAMS

The previous requirement for a district to administer college preparation assessments, such as the ACT or the SAT, each school year is now discretionary under SB 825. (See College Preparation Assessments on page 2.)

As added by SB 1843, a district must provide students in grades 10–12 the opportunity to take the Armed Services Vocational Aptitude Battery test (ASVAB) and consult with a military recruiter. The test must be scheduled during normal school hours and at a time that optimizes student participation and limits conflict with extracurricular activities. The district must notify students and parents of the date, time, and location of the test. An alternative test may be administered if it meets certain requirements. (See pages 3–4.)

**EKB (LEGAL) TESTING PROGRAMS
STATE ASSESSMENT**

SB 463 extended the ability to use an individual graduation committee until September 1, 2019. Rules on individual graduation committees and substitute assessments that expired on September 1, 2017, have been deleted.

Citations have also been updated.

EL (LEGAL) CAMPUS CHARTERS

At Contract Regarding Operation of District Campus on page 7, SB 1882 allows a campus with an unacceptable accountability rating for the prior year to receive an exemption from intervention and to receive funding at the per-student level of an open enrollment charter school (OECS) if the district contracts for operation of the campus with either an OECS or with a campus or campus program charter.

Citations have also been updated.

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FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

Revisions at Students with Learning Difficulties on page 2 are from SB 1153 and clarify that the written explanation developed by TEA about the options and requirements for providing assistance to students who have learning difficulties must state that a parent is entitled to request aids, accommodations, or services under Section 504.

**FBA (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY
SERVICE ANIMALS**

At Penalties, item 2, we have added a reference to new requirements added by HB 1463 for a person to provide written notice to a district and allow the district an opportunity to resolve an alleged violation of Human Resources Code provisions prohibiting discrimination against persons with disabilities before filing an action against the district. This includes allegations relating to website accessibility.

FD (LEGAL) ADMISSIONS

HB 871 allows a parent to enter into an authorization agreement with an "adult caregiver" who may make certain school-related decisions. These agreements are for a term of six months and renew automatically with certain exceptions. (See Authorization Agreement beginning on page 4.)

Other revisions are from HB 1043, which permits certain individuals to seek a court order for the temporary authorization for care of a child, including to make certain school-related decisions. (See page 6.)

In accordance with HB 1569, a residential facility must provide certain information and records to a school district that provides educational services to a student placed in the facility. (See Residential Facility on page 10.)

**FDAA (LEGAL) INTERDISTRICT TRANSFERS
PUBLIC EDUCATION GRANTS**

At Eligible Students, HB 22 provides that a student is eligible for a public education grant (PEG) transfer if the student attends a district that has been assigned an unacceptable performance rating in the student achievement domain and the school progress domain.

**FDB (LEGAL) ADMISSIONS
INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGN-
MENTS**

At Students in Unacceptable Schools on page 4, HB 22 provides that a student is eligible to attend another school in the district in which the student resides if the student is assigned to a campus with an unacceptable performance rating in the student achievement domain and the school progress domain.

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**FFAD (LEGAL) WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES**

Detailed provisions requiring reporting of sexually transmitted diseases and HIV were replaced with references to the relevant legal authority.

**FFB (LEGAL) STUDENT WELFARE
CRISIS INTERVENTION**

HB 4056 and SB 179 added various mental health subject areas to the list of recommended best practice-based programs and research-based practices that a district may implement. New topics include skills for managing emotions, maintaining positive relationships, and responsible decision making; grief and trauma affecting student learning; positive behavior interventions and supports; and school climate.

SB 179 also clarifies that local practices and procedures on the listed subject areas do not need to be in board-adopted policy. If your district has policy provisions addressing these subjects, see FFB(LOCAL), below.

Provisions addressing staff training have been moved to DMA(LEGAL), above.

**FFB (LOCAL) STUDENT WELFARE
CRISIS INTERVENTION**

As explained at FFB(LEGAL), above, SB 179 clarifies that local practices and procedures addressing the subject areas in the list of recommended best practice-based programs and research-based practices that a district may implement no longer need to be in board-adopted policy. As a result, the provisions in your local policy are recommended for deletion, and these provisions should be included in the district's administrative regulations.

**FFC (LEGAL) STUDENT WELFARE
STUDENT SUPPORT SERVICES**

HB 928 requires each school district, in coordination with the Department of Family and Protective Services (DFPS), to facilitate the transition to higher education of each child enrolled in the district who is eligible for a tuition and fee waiver for foster children and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday by assisting the child with the activities listed in the statute. (See Transition to Higher Education on page 3.)

**FFEA (LEGAL) STUDENT ASSISTANCE PROGRAMS/COUNSELING
COMPREHENSIVE GUIDANCE PROGRAM**

Without exempting a school counselor from any mandatory reporting requirements in other provisions of law, SB 179 requires a school counselor to serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying. (See School Counselor Duties.)

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**FFF (LEGAL) STUDENT WELFARE
STUDENT SAFETY**

At Notice of Educator Misconduct, SB 7 requires a board to adopt a policy providing for notification to the parent of a student with whom an educator allegedly engaged in abuse or otherwise committed an unlawful act or with whom the educator was involved in a romantic relationship or solicited or engaged in sexual contact.

The notice must inform the parent that the alleged misconduct occurred, whether the educator resigned or was terminated in light of an investigation, and whether a report was submitted to SBEC concerning the alleged misconduct. The notice of alleged misconduct must be provided as soon as feasible after the district becomes aware that the alleged misconduct may have occurred. See FFF(LOCAL), below.

Definitions have been updated as a result of SB 179.

**FFF (LOCAL) STUDENT WELFARE
STUDENT SAFETY**

Based on SB 7 and as described at FFF(LEGAL), above, the district must have a policy to notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct:

- As soon as feasible, that the alleged misconduct may have occurred;
- Whether the educator was terminated or resigned; and
- Whether the district submitted a report to the State Board for Educator Certification.

The recommended policy provides the definition of misconduct, along with cross-references to FFG for child abuse reporting requirements and to FFH for parental notification requirements if the misconduct meets the definition of prohibited conduct.

**FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT**

Minor revisions from HB 249 and SB 11 include a reference to the Family Code, where terms regarding JJAEPs are defined. (See JJAEPs on page 3.)

**FFI (LEGAL) STUDENT WELFARE
FREEDOM FROM BULLYING**

This legally referenced policy on bullying has been significantly revised by SB 179, also known as "David's Law." Changes include:

- Clarification and expansion of the definition of bullying, which includes cyberbullying, and provisions explaining the applicability of the definitions;
- Revisions regarding what must be included in the required board-adopted policy, to include procedures for a student to anonymously report bullying and notice of a bullying incident to parents of the alleged victim and the alleged bully within the specified deadlines; and
- Authorization for a district to develop a district-wide policy to assist in prevention and mediation of bullying incidents that interfere with a student's educational opportunities or substantially disrupt orderly school operations.

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**FFI (LOCAL) STUDENT WELFARE
FREEDOM FROM BULLYING**

Changes in state law from SB 179 prompted several recommended revisions to this local policy on student bullying, including:

- Removal of the definition of bullying in lieu of a pointer to the revised statutory definition;
- Emphasis, at Examples, that bullying can occur through electronic means;
- New provisions addressing anonymous reporting procedures for students;
- New provisions requiring the district to notify, within the time frames in law, parents of students who are alleged victims or are alleged to have engaged in bullying (see Notice of Report); and
- Acknowledgment that the district may notify law enforcement of the conduct in certain circumstances (see District Action).

In addition, the text at Prohibited Conduct has been aligned with the definition of that term in FFH(LOCAL) to include "sex."

FL (LEGAL) STUDENT RECORDS

At Access by Parents on page 6, SB 1153 gives a parent the right to access all written records related to assistance provided to the parent's child for learning difficulties, including any intervention strategies used with the child.

Text at Screening Records, beginning on page 2, was revised to reflect the current name of the University of Texas—Rio Grande Valley Border Health Office.

Other changes were to better reflect statutory wording.

FM (LEGAL) STUDENT ACTIVITIES

HB 3024 provides that a licensed chiropractor is one of the listed individuals who is permitted to determine that a student may have sustained a concussion. (See Removal from Play on page 3.)

At Special Olympics Recognition, on page 12, is a new provision from HB 1645 requiring a district that allows high school students to earn a letter for academic, athletic, or extracurricular achievements to also allow students to earn a letter on the basis of participation in a Special Olympics event.

**FNCG (LEGAL) STUDENT CONDUCT
WEAPONS**

HB 1935 amends references to an "illegal knife" to refer instead to a "location-restricted knife," defined as a knife with a blade of over five and one-half inches. The bill also creates a new Class C misdemeanor related to a location-restricted knife. (See page 2.)

Beginning on page 2, the list of prohibited weapons was revised by two bills.

- HB 1819 adds detail about firearm silencers (item 4) and clarification about the circumstances under which possession of some of the prohibited weapons do not constitute an offense under the Penal Code.
- HB 913 adds improvised explosive devices to the list (item 10).

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**FNCH (LEGAL) STUDENT CONDUCT
ASSAULTS**

This legally referenced policy is recommended for deletion. Relevant provisions and definitions regarding assault are included in the *Model Student Code of Conduct*.

**FNG (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

SB 1566 revises provisions at Complaint Procedures to state that a board is not required to address a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by Texas Education Code Chapter 26. This provision does not affect a claim brought by a parent under the IDEA.

FO (LEGAL) STUDENT DISCIPLINE

As described below at GKA(LEGAL), SB 1553 authorizes administrators, school resource officers, and district police officers to refuse entry to or eject a person from property under the district's control under certain circumstances and requires a district's Student Code of Conduct to include an explanation of this provision.

Other revisions are to better reflect statutory wording.

**FOB (LEGAL) STUDENT DISCIPLINE
OUT-OF-SCHOOL SUSPENSION**

HB 674 prohibits out-of-school suspension of students below third grade except for certain serious offenses and provides criteria for an optional positive behavior program for students in these grades.

**FOC (LEGAL) STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION
SETTING**

Multiple bills affected the list of Title 5 felonies, beginning on page 2.

- SB 1232 added Bestiality (item 13).
- HB 2552 revised the offense of Unlawful Disclosure or Promotion of Intimate Visual Material from a misdemeanor to a felony (item 17).
- HB 1808 added Sexual Coercion (item 19).
- HB 2908 revised the Penal Code definition of Assault (item 20) and Terroristic Threat (item 27).
- SB 1576 revised the name of the offense of Harassment by Persons in Certain Facilities or of Public Servant (item 30).

In accordance with SB 179, a student may be placed in DAEP for engaging in bullying that encourages a student to commit or attempt to commit suicide, for inciting violence against a student through group bullying, or for releasing or threatening to release intimate visual material of a minor or of an adult student without the student's consent. (See Bullying on page 5.)

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**FOCA (LEGAL) PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS**

Revisions to this policy are to better reflect statutory wording.

**FOD (LEGAL) STUDENT DISCIPLINE
EXPULSION**

In accordance with SB 179, a student may be expelled for engaging in bullying that encourages a student to commit or attempt to commit suicide, for inciting violence against a student through group bullying, or for releasing or threatening to release intimate visual material of a minor or of an adult student without the student's consent. (See Bullying on page 4.)

FP (LEGAL) STUDENT FEES, FINES, AND CHARGES

This legally referenced policy on student fees, fines, and, charges has been updated to better match statutory wording.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

We have revised the G section table of contents to revise the title of GKC to Visitors.

**GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION**

Revisions from SB 7 clarify that confidential teacher and administrator evaluations are not subject to disclosure under the Public Information Act. (See Evaluations on page 6.)

SB 532 and HB 1861 add to the security information that is confidential to address information directly arising from a board's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log. (See Security Information beginning on page 9.)

**GBAA (LEGAL) INFORMATION ACCESS
REQUESTS FOR INFORMATION**

HB 3107 provides that a Public Information Act request is considered withdrawn if the requestor fails to inspect or copy the information on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges on or before the 60th day after the date the requestor is informed of the charges. (See Time for Examination on page 5.)

In determining a statement of the labor costs for a request, a district may treat as a single request all requests received in one calendar day from an individual. The district may not combine multiple requests from separate individuals made on behalf of an organization. (See Statement of Labor Costs on page 12.)

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At Large or Frequent Requests, beginning on page 17, HB 3107 allows a board to establish reasonable yearly and monthly limits on the personnel time spent to produce public information for a requestor after which the district may begin charging the requestor for the time. A yearly time limit may not be less than 36 hours; a monthly time limit may not be less than 15 hours. Certain exceptions apply, and additional detail about estimates and acceptance of charges is in the policy.

GBAA (LOCAL) INFORMATION ACCESS REQUESTS FOR INFORMATION

HB 3107 allows a board to establish reasonable yearly and monthly limits on the personnel time spent to produce public information for a requestor, after which the district may begin charging the requestor for the time. As reflected in the recommended revisions to this policy, in addition to the 36-hour yearly limit, the board may establish a monthly limit of not less than 15 hours, after which the district shall begin charging for personnel time.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

New provisions at Trespass from SB 1553 allow a school administrator, school resource officer, or district peace officer to eject an individual from, or refuse an individual entry to, property subject to the district's control if the individual refuses to leave peaceably upon request and the person:

- Poses a substantial risk of harm to any person; or
- Behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

The new law requires website notices regarding these provisions and for the district to record verbal warnings given, including the individual's name and the date. Upon ejection or exclusion, the district must provide the individual with a written explanation of the appeal process. Ejection or exclusion may not last more than two years. The commissioner of education has rulemaking authority to implement this new law.

In addition to SB 1553, several other bills affect this policy.

- At Possession of Weapons, beginning on page 5, HB 1935 replaced references to an "illegal knife" with "location-restricted knife" and adds a new felony offense for possessing a location-restricted knife at a high school sporting event.
- Texas Penal Code section 46.03 (places weapons prohibited) does not apply to volunteer emergency personnel who are licensed to carry a handgun and who are engaged in providing emergency services. (See Excepted Persons beginning on page 6.)
- SB 1566 provides that a district may not prohibit a person with a handgun license from transporting or storing a handgun, firearm, or ammunition that is not in plain view in a locked vehicle in a district parking area. (See Transportation or Storage of Firearm in School Parking Area on page 7.)
- HB 435 limits the liability of a district if a volunteer emergency services personnel who is licensed to carry discharges a handgun. (See page 7.)
- HB 2880 creates a Class A misdemeanor if a person threatens to exhibit or use a firearm on school property or a school bus but does not actually possess a firearm. (See Exhibition of Firearm beginning on page 7.)

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**GKA (LOCAL) COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES**

As described above at GKA(LEGAL), SB 1553 authorizes administrators, school resource officers, and district police officers to refuse entry to or eject a person from property under the district's control under certain circumstances. Therefore, we offer for your consideration our recommended text that includes provisions to address the new law, along with clarification that district personnel may request assistance from law enforcement in an emergency or when a person is engaging in criminal conduct.

The text at Weapons-Exceptions clarifies that the district's policy prohibiting unlawful possession of a firearm on district property is not violated when an individual with a handgun license stores an unloaded gun that is not in plain view in a locked vehicle.

**GKB (LEGAL) COMMUNITY RELATIONS
ADVERTISING AND FUNDRAISING**

SB 2006 amends provisions relating to erecting or maintaining certain outdoor commercial signs regulated by the Texas Department of Transportation.

**GKC (LEGAL) COMMUNITY RELATIONS
VISITORS**

SB 1553 requires a registered sex offender to provide notice to the campus administrative office when the sex offender enters the premises "during the standard operating hours of the school." Premises includes buildings and the grounds, driveways, parking lots, and sidewalks of the campus. The administration may require that the sex offender be chaperoned while on campus. Certain exceptions apply, including when the campus and sex offender have a written agreement that exempts the sex offender from these requirements. (See Notice of Entry onto School Premises.)

HB 1111 addresses ordinances in general-law municipalities establishing prohibitions for persons who have committed a sexual offense with a child victim to be within a specified distance of a child safety zone. The new provision also explains when these individuals may be within an otherwise prohibited location. (See page 2.)

As added by SB 1843, a district must provide students in grades 10-12 the opportunity to take the Armed Services Vocational Aptitude Battery test (ASVAB) and consult with a military recruiter.

**GKC (LOCAL) COMMUNITY RELATIONS
VISITORS**

Recommended revisions to this policy regarding visitors are to reflect that board member visits to district facilities are now addressed at BBE(LOCAL) (see above). Revisions have also been made to better align text addressing registered sex offenders on campus with statutory provisions.

**GKC (REGULATION) COMMUNITY RELATIONS
VISITORS**

Our records indicate that you have a regulation at this code that you may need to review and revise in light of the changes in this update. Please advise us:

Explanatory Notes

TASB Localized Policy Manual Update 109

- If this regulation is obsolete and should be deleted from Policy Service's records of your localized policy manual; or
- If you have revisions that you wish to submit to Policy Service for editorial and legal review and incorporation into Policy Service records.

**GKE (LEGAL) COMMUNITY RELATIONS
BUSINESS , CIVIC, AND YOUTH GROUPS**

Beginning with the 2017–18 school year, SB 1566 requires a board to adopt a policy that allows a campus principal to provide representatives of a patriotic society with the opportunity to speak to students during regular school hours about membership benefits. A patriotic society means a youth membership organization with an educational purpose that promotes patriotism and civic involvement. The board policy shall give a principal complete discretion over the specific date and time, except that the policy shall allow the principal to limit the opportunity to a single school day and any presentation made to students to ten minutes in length. See GKE(LOCAL), below.

**GKE (LOCAL) COMMUNITY RELATIONS
BUSINESS , CIVIC, AND YOUTH GROUPS**

This local policy is recommended for inclusion in the district's policy manual to satisfy the requirement in SB 1566 for a board policy allowing a principal to provide a representative of a patriotic society an opportunity to speak to students during the school day. The policy must give the principal discretion over the date and time and allow the principal to limit the opportunity to a single school day and to limit the presentation to ten minutes. The statute requires the board to adopt the policy by the beginning of each school year, and it is our understanding that continuing implementation of a previously-adopted policy would meet that requirement.

**GKG (LEGAL) COMMUNITY RELATIONS
SCHOOL VOLUNTEER PROGRAM**

The state agency that develops courses on concussions in conjunction with the UIL was changed by SB 1488 from the Texas Department of State Health Services Advisory Board of Athletic Trainers to the Texas Department of Licensing and Regulation.

**GRAA (LEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES
LAW ENFORCEMENT AGENCIES**

SB 179 authorizes a principal or another employee other than the counselor to report to a school district police department or local law enforcement if, after an investigation, the employee has reasonable grounds to believe that a student engaged in conduct that constitutes criminal assault or criminal harassment by repeated electronic communication. (See Report of Conduct Constituting Assault or Harassment, beginning on page 1.)