

Explanatory Notes

TASB Localized Policy Manual Update 105

District: Harts Bluff ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Update 105 includes revisions throughout the policy manual based on the passage of the Every Student Succeeds Act (ESSA), signed into law December 10, 2015, which replaces the previous version of the law—the No Child Left Behind Act (NCLBA)—and reauthorizes the Elementary and Secondary Education Act (ESEA).

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

Existing detail from the Administrative Code has been added regarding the requirement for a district that has received an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked to post notice of the status in various locations and otherwise communicate the notice. See NOTICE OF STATUS beginning on page 3.

Other changes are to better reflect statute and to add existing statutory detail regarding PERFORMANCE RATINGS.

AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

Beginning on page 5, new requirements from ESSA regarding the FEDERAL REPORT CARD replace outdated provisions from the NCLBA. ESSA requires a district that receives Title I funding to prepare and disseminate an annual report card—for the district and each school served by the district—that includes information on student state assessment performance and any other information that the district determines is appropriate.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

Amendments to the Administrative Code effective February 29, 2016, address the procedures a BOARD OF MANAGERS will follow when ordering the election of members of the board of trustees and explain the transition to the elected board after the period of appointment for the board of managers. See pages 9–10.

Other changes are to better reflect statute.

AID (LEGAL) ACCOUNTABILITY
FEDERAL ACCOUNTABILITY STANDARDS

As a result of the new accountability system outlined in ESSA effective with the 2017–18 school year, TASB Policy Service has deleted the outdated NCLBA provisions and noted that during the transition year, districts shall be evaluated in accordance with standards established by TEA and the U.S. Department of Education.

As of the publication of this update, no additional guidance was available for inclusion in this legally referenced policy.

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BBE (LEGAL) BOARD MEMBERS
AUTHORITY

Citations in the text have been updated at FEDERAL LAW IMMUNITIES, on page 3, based on changes from ESSA.

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

As established during the last legislative session, the TEXAS BULLION DEPOSITORY may receive deposits of bullion or specie from or on behalf of a district, and the district may use the bullion depository instead of a depository bank. See pages 3–4.

BJCD (EXHIBIT) SUPERINTENDENT
EVALUATION

The commissioner rules on administrator appraisals that were cited in this exhibit have been repealed. The new commissioner rules, effective July 1, 2016, are applicable to principal and campus administrator appraisals only; therefore, this exhibit is recommended for deletion.

BJCF (LOCAL) SUPERINTENDENT
NONRENEWAL

The first paragraph of this policy on superintendent nonrenewal affirms that decisions will not be based on protected employee characteristics. Recommended changes better align the list of protected characteristics with those in legal precedent regarding freedom from discrimination, harassment, and retaliation.

The following changes are recommended to the list of REASONS for nonrenewal to make the list parallel with the nonrenewal reasons in DFBB(LOCAL) (Term Contracts):

- A new item 18, listing behavior that presents a danger of physical harm to a student or other individuals.
- Revisions at item 24 to include the failure to maintain, in addition to failure to fulfill, superintendent certification, unless granted a waiver by the commissioner.
- A new item 26, listing any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
- Deletion of an item that referred to fulfilling the requirements of a deficiency plan under an emergency or special assignment permit.

In addition, the NOTICE OF PROPOSED NONRENEWAL provision was simplified to refer to the requirements in law, and a provision was added to explain the board procedures if a superintendent does not request a hearing (see NO HEARING).

References to school property have been changed to "district" property throughout.

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BQ (LOCAL) PLANNING AND DECISION-MAKING PROCESS

ESSA expands on the previous NCLBA requirement regarding parental involvement to require districts to conduct outreach to "family members" of district students as well as to parents. Recommended changes at PARENT AND FAMILY ENGAGEMENT PLAN incorporate this terminology. See also EHBD, below.

The first paragraph of this policy has been recommended for revision to refer to board approval and review of the district's "vision" in addition to the mission and goals, as all three items are considered critical areas of development in the Framework for School Board Development found in the district's policy manual at BBD(EXHIBIT).

Other recommended changes at ADMINISTRATIVE PROCEDURES AND REPORTS are to better align the text with the state law requirement for the board to ensure development of administrative procedures in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. A sentence has been added to the policy to affirm that the district will involve site-based decision making in development of the procedures, as required by law.

CH (LEGAL) PURCHASING AND ACQUISITION

New Administrative Code rules from the Texas Ethics Commission effective December 24, 2015, and June 22, 2016, have been added at DISCLOSURE OF INTERESTED PARTIES, beginning on page 3, and include detail on the requirement for a district to obtain a disclosure of interested parties form from a business entity if the contract with the entity requires board action or has a value of at least \$1 million. The rules explain that if the board has delegated to staff the authority to execute the contract and the board does not participate in the selection of the entity, the contract is not considered to require board action. In addition, the rules include definitions of "contract," "controlling interest," "signed," and "value" and clarify the definition of "business entity."

CLB (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT MAINTENANCE

Revisions to INTEGRATED PEST MANAGEMENT (IPM) PROGRAM, beginning on page 1, are based on amendments to the Administrative Code effective December 21, 2015. The rules revised the TRAINING requirements for IPM coordinators, deleted from the DUTIES of an IPM coordinator the requirement to conduct facility inspections, and clarified the activities required of a LICENSED APPLICATOR.

Other changes are to better reflect statute and to add existing statutory provisions regarding required NOTICE, on page 4, and provisions on incidental pesticide use application, at INCIDENTAL USE, on page 5.

CLB (LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT MAINTENANCE

As mentioned above at CLB(LEGAL), state rules on INTEGRATED PEST MANAGEMENT (IPM) PROGRAMS were revised effective December 21, 2015. As a result of the rule changes, there are several recommended changes to this local policy.

- References to the relevant laws were updated and moved to the beginning of the policy where the IPM guidelines are first mentioned.
- A statement has been added that requires the IPM COORDINATOR to provide training to district employees, as necessary, to ensure other staff members understand IPM guidelines.

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- At NO UNAUTHORIZED APPLICATION, a statement has been added to clarify that if the IPM coordinator is a licensed applicator, the coordinator may apply pesticides in accordance with law.

CLE (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
FLAG DISPLAYS

Policy Service has added an existing statutory provision effective with the 2016–17 school year stating that the board shall require the prominent display of the U.S. and Texas flags in classrooms during the pledges of allegiance to the flags. A district is not required to spend federal, state, or local funds to acquire the flags, but may raise money or accept gifts, grants, and donations.

See CLE(LOCAL), below, for policy text to address the board's obligation.

CLE (LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
FLAG DISPLAYS

This local policy is recommended for inclusion in the district's policy manual to provide evidence that the board requires the prominent display of the U.S. and Texas flags in classrooms during the pledges of allegiance to the flags, as required by state law. See CLE(LEGAL), above.

CNA (LEGAL) TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION

New ESSA provisions on TRANSPORTATION OF STUDENTS IN FOSTER CARE have been added on page 4. A district receiving Title I, Part A funds must collaborate with the state or local child welfare agency to develop and implement clear written procedures on transportation solutions to allow children in foster care to remain in their school of origin when in the child's best interest. **Please note that these procedures must be developed by December 10, 2016.**

ESSA also made minor revisions to the statutory wording at TRANSPORTATION OF HOMELESS STUDENTS, on pages 3 and 4.

Provisions from the NCLBA on transporting students to a higher performing school were deleted. Other revisions throughout are to better track existing statutory language.

CPC (LEGAL) OFFICE MANAGEMENT
RECORDS MANAGEMENT

To provide further guidance to districts, considerable detail has been added from existing statute to this legally referenced policy on records management, including:

- DEFINITIONS for "custodian," "essential record," "permanent record," "records control schedule," "records management," "records management officer," "records retention schedule," and "retention period";
- The board's duty to establish a RECORDS MANAGEMENT PROGRAM that enables the board, custodians, and the records management officer (RMO) to fulfill statutory responsibilities for records management and preservation;
- The RMO's duty to prepare and file with the Texas State Library and Archives Commission (TSLAC) a RECORDS CONTROL SCHEDULE that includes a retention period for each record;
- TSLAC's acceptance or rejection of the schedule and other required documents at TSLAC REVIEW;

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CQ (LEGAL) TECHNOLOGY RESOURCES

Material from the recently passed CYBERSECURITY INFORMATION SHARING ACT has been added, beginning on page 10. Effective December 18, 2015, the Act is intended to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats. Under the Act, a district may, for a cybersecurity purpose, share with or receive from a non-federal entity or the federal government a cyber threat indicator or defensive measure. The Act does not create a duty to share information.

In addition, we have:

- Based on ESSA, updated citations at CHILDREN'S INTERNET PROTECTION ACT (page 1) and ESEA FUNDING (page 3);
- Added existing statutory definitions related to the Stored Wire and Electronic Communications and Transactional Records Access Act (pages 8–10) and updated the cited case law to provide further guidance on the term "electronic storage" (page 9); and
- Revised provisions throughout to better track existing statutory language.

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

Several REQUIRED INTERNET POSTINGS have been added to this legally referenced policy.

- Item 1 references the requirement for a district that has received an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked to post notice of the status on the district's home page with a link to the notification.
- Item 2 references the board's duty to post the district's Texas Academic Performance Report on the district's website.
- Item 4 references a district's obligation to post, by August 8 of each year, the community engagement ratings and compliance statuses for the district and each campus.
- Item 5 references the ESSA requirement for a district to post its annual federal report card.
- Item 22 references the requirement for a district to post information from TEA explaining the advantages of the distinguished level of achievement and each endorsement.
- Item 24 references the new ESSA requirement for a district that receives Title I, Part A funds to post on the district and each campus website information on state assessments and district-wide assessments.

D (LEGAL) PERSONNEL

To align with new commissioner rules on appraisal of principals and campus administrators, Policy Service has revised the subtitle of DNB to Evaluation of Campus Administrators.

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DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

ESSA deleted the federal requirement for teachers and paraprofessionals to be "highly qualified," prompting Policy Service to remove those provisions and make other conforming adjustments to this legally referenced policy on credentials and records. ESSA requires a school that receives Title I funds to provide a parent notice when the parent's child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification or licensure requirements for the grade level and subject area in which the teacher has been assigned. See **FEDERALLY REQUIRED NOTICE WHEN TEACHER LACKS CREDENTIALS** on page 1.

State parental notice provisions regarding inappropriately certified or uncertified teachers have been moved here without revision from **DK(LEGAL)**. See **STATE-REQUIRED NOTICE WHEN TEACHER LACKS CREDENTIALS**, beginning on page 1.

New provisions from ESSA at **FEDERAL REQUIREMENTS FOR TEACHERS AND PARAPROFES- SIONALS**, on page 4, include the requirement for teachers and paraprofessionals working in Title I, Part A programs to meet applicable state certification and licensure requirements. The **FEDERAL REQUIRE- MENTS FOR SPECIAL EDUCATION TEACHERS** under ESSA require state certification as a special ed- ucation teacher, with no waiver of requirements, and a bachelor's degree.

At **FORMER EMPLOYEES**, on page 7, a revision from amended Administrative Code rules effective Jan- uary 7, 2016, allows a scanned version of an original service record to be considered official if one em- ploying district sends it directly to another employing district.

DBA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

As mentioned above at **DBA(LEGAL)**, ESSA deleted the federal requirement for teachers and paraprofessionals to be "highly qualified." As a result, we recommend deletion of the text on parent noti- fication where a regular teacher is not "highly qualified." Provisions excepting notification when a highly qualified home campus teacher of a secondary student assigned to DAEP was the teacher of record have also been deleted from the policy, as these provisions were based on TEA's interpretation of the former federal "highly qualified" requirements.

Please note: State law requires a district to notify a parent if his or her child is in a classroom for which the district has assigned an inappropriately certified or uncertified teacher for more than 30 consecutive instructional days during the school year. See **DBA(LEGAL)** for this and federally required notice provi- sions.

DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CRIMINAL HISTORY AND CREDIT REPORTS

Existing statutory provisions on the criminal penalties for **UNAUTHORIZED DISCLOSURE OF CHRI** (criminal history record information) have been added on page 5.

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DBB (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

The Texas Department of State Health Services (TDSHS) does not require or recommend that districts routinely require teachers or other school employees to have a tuberculin (TB) skin test. TDSHS bases this advice on information from the Centers for Disease Control and Prevention, which discourages the use of a tuberculin skin test for persons who have no risk factors for TB exposure. Based on this information, the district's provisions requiring new employees to provide the results of a TB test are recommended for deletion. A district should collaborate with the local health authority if the authority recommends the use of a TB screening questionnaire based on local incidents of the disease.

Please note: The district's locally developed provisions regarding TB SCREENING REQUIREMENTS have been retained. These provisions are now 13 years old. Please contact your policy consultant if they no longer reflect district practice.

DFBB (LOCAL) TERM CONTRACTS
NONRENEWAL

The first paragraph of this policy on nonrenewal affirms that decisions will not be based on protected employee characteristics. Recommended changes better align the list of protected characteristics with legal precedent regarding freedom from discrimination, harassment, and retaliation.

Several of the nonrenewal REASONS are recommended for revision.

- Based on the deletion by ESSA of federal "highly qualified" requirements, item 30 has been revised to refer to the failure to maintain licensing and certification requirements for the employee's assignment, including completion of continuing education requirements.
- Item 29 was adjusted to refer to the failure to fulfill requirements for state licensure or certification, including passing certification or licensing exams.
- HB 1842 from the 84th Legislative Session deleted state law that permitted a campus intervention team to make decisions about staff retention at a reconstituted campus and that prohibited, in most instances, the retention of the principal and educators at a repurposed campus. Following the changes in law, TEA instructed campuses that were previously identified for improvement to develop turnaround plans in accordance with HB 1842. As a result, we recommend deletion of references to the previous laws and have updated item 11 to address when an employee is not retained at a campus in accordance with the provisions of a campus turnaround plan.
- Item 31 has been updated to delete the reference to special assignment permits, which are no longer issued, and to refer more broadly to the failure to complete certification or permit renewal requirements.

A clarification at REQUEST FOR BOARD HEARING, HEARING PROCEDURES explains that a record of the hearing shall be made so that a certified transcript can be prepared, if required.

DFFA (LOCAL) REDUCTION IN FORCE
FINANCIAL EXIGENCY

Based on the deletion by ESSA of federal "highly qualified" requirements, we recommend deletion of this term as an item to be considered under Qualifications for Current or Projected Assignment at CRITERIA FOR DECISION.

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DFFB (LOCAL) REDUCTION IN FORCE
PROGRAM CHANGE

Based on the deletion by ESSA of federal "highly qualified" requirements, we recommend deletion of this term as an item to be considered under Qualifications for Current or Projected Assignment at CRITERIA FOR DECISION.

DGC (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES
IMMUNITY

Citations in the text have been updated at TEACHERS (COVERDELL ACT) based on changes from ESSA.

DI (LEGAL) EMPLOYEE WELFARE

Changes to this legally referenced policy are to add detail regarding labeling and relabeling of hazardous chemical containers and to better reflect statute.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

As mentioned above at DBA(LEGAL), ESSA deleted the federal requirement for teachers and paraprofessionals to be "highly qualified." As a result of that change, Policy Service has deleted the Note referencing highly qualified notice.

In addition, the details on state parental notice requirements regarding inappropriately certified or uncertified teachers have been moved without revision to DBA(LEGAL). [See STATE-REQUIRED NOTICE WHEN TEACHER LACKS CREDENTIALS at that code.]

DMA (LEGAL) PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

Details on the required SUICIDE PREVENTION staff development training have been added based on new Administrative Code rules effective April 17, 2016. Districts must provide the training to new educators during new employee orientation and to currently employed educators by September 30, 2016. Certain training provided to educators after September 1, 2013, may satisfy the requirements for current educators.

The requirement for a district that receives Title I funds to have a strategy to address professional development was deleted by ESSA and has been deleted from this legally referenced policy.

Amendments to the Administrative Code effective December 27, 2015, are reflected at TEXAS ADOLESCENT LITERACY ACADEMIES, beginning on page 4. A teacher who is required to attend an adolescent literacy academy based on campus performance ratings must complete the training by December 31 of the calendar year in which the campus received the unacceptable performance rating. The district must maintain records of attendance in accordance with the district's record retention policy.

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DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

New commissioner rules on teacher appraisal, effective July 1, 2016, have been added to this legally referenced policy. The rules include implementation details on the Texas Teacher Evaluation and Support System (T-TESS), including requirements for teacher ORIENTATION AND ANNUAL REVIEW and certification of APPRAISERS, and a description of the specific elements of the APPRAISAL PROCESS. A teacher may submit a written response or rebuttal within ten working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation regarding an appraisal. See TEACHER RESPONSE AND REBUTTAL on page 11. A teacher may make a REQUEST FOR A SECOND APPRAISAL at specific points in the process. Additional information on T-TESS may be found on TEA's website at: <https://teachfortexas.org>.

As with the former state-recommended appraisal system, the Professional Development and Appraisal System (PDAS), and prior law on locally developed appraisal systems, teachers who meet certain eligibility criteria and who agree in writing may be appraised less than annually. See LESS-THAN-ANNUAL, beginning on page 5.

Please note: TASB Policy Service released a survey in April 2016 to help districts update their local policy on teacher appraisal. If your district has not yet completed the survey, please contact your policy consultant.

DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF CAMPUS ADMINISTRATORS

New commissioner rules on appraisal of principals and other campus administrators, effective July 1, 2016, have been added to this legally referenced policy. The rules include implementation details on the TEXAS PRINCIPAL EVALUATION AND SUPPORT SYSTEM (T-PESS), including specific APPRAISAL PROCEDURES such as development of a CALENDAR, creation of an APPRAISAL REPORT, consideration of ADDITIONAL DOCUMENTATION, APPRAISER QUALIFICATIONS, and ORIENTATION.

Additional information on T-PESS may be found on TEA's website at: http://tea.texas.gov/Texas_Educators/Educator_Evaluation_and_Support_System/Texas_Principal_Evaluation_and_Support_System/.

Districts still have the option of developing a local principal appraisal process in accordance with law. See ALTERNATIVES TO T-PESS on page 5.

For the APPRAISAL OF CAMPUS ADMINISTRATORS OTHER THAN PRINCIPALS, the rules permit use of a modified version of the T-PESS or a locally developed system in accordance with law.

Please note: TASB Policy Service released a survey in April 2016 to help districts update their local policy on appraisal of principals and other campus administrators. If your district has not yet completed the survey, please contact your policy consultant.

DPB (LEGAL) PERSONNEL POSITIONS SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

ESSA deleted the federal requirement for teachers and paraprofessionals to be "highly qualified," prompting Policy Service to remove from this legally referenced policy the text that referred to parental notice regarding highly qualified status previously required by law.

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EEB (LEGAL) INSTRUCTIONAL ARRANGEMENTS
CLASS SIZE

The state class-size limits for kindergarten through grade 4 do not apply in any 12-week period during which the district's ADA has been adjusted due to a significant percentage of migratory children. New and revised definitions from ESSA provide guidance on whether a student is considered a "migratory child" based on a "qualifying move" and whether the student or student's parent is a "migratory agricultural worker" or a "migratory fisher."

EHAB (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ELEMENTARY)

As reflected at GRADE 6 FINE ARTS, SBOE rules were amended effective August 24, 2015, to clarify expectations for fine arts requirements for grade 6 classrooms on elementary campuses. A district that has a self-contained grade 6 class at an elementary school must provide instruction to the sixth-grade students in all of the Middle School 1 TEKS for art, dance, music, and theatre.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

SBOE rules were amended effective August 24, 2015, to align the secondary instruction requirements for middle school students with changes to the TEKS for fine arts and to comply with state law requiring students enrolled in GRADES 6–8 to complete at least one fine arts course during those grade levels. Reflected on page 2, the FINE ARTS REQUIREMENT as clarified by the rules requires a district to offer and maintain evidence that students have the opportunity to take courses in at least three of the four fine arts disciplines. Upon approval of the commissioner, a district is only required to offer an opportunity for a student to take courses in two of the fine arts disciplines.

EHBA (LEGAL) SPECIAL PROGRAMS
SPECIAL EDUCATION

An existing provision on district TRANSPORTATION obligations when a parent enrolls a student receiving special education services in a private school has been moved to EHBAC(LEGAL).

EHBAB (LEGAL) SPECIAL EDUCATION
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION
PROGRAM

Amended commissioner rules effective December 2, 2015, have been added to this legally referenced policy on admission, review, and dismissal (ARD) committees and individualized education programs (IEPs). If a parent is unable to speak English, WRITTEN NOTICE of any ARD committee meetings or the district's refusal to schedule an ARD committee meeting requested by a parent must be provided in the parent's native language, unless it is clearly not feasible to do so, or must be provided orally if the parent's native language is not written. See page 4.

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Likewise, the rules explain the requirement for a district to provide a student's IEP in the parent's native language. See TRANSLATION OF IEP INTO NATIVE LANGUAGE, beginning on page 7. A written translation must accurately translate all the text and be a complete and comparable rendition. A translated audio recording must also be a complete translation, and a district may provide a recording of the meeting at which the parent was assisted by an interpreter to satisfy this requirement. Oral translations are required if the parent's native language is not written.

A district must give a parent a written copy of the student's IEP, translated as required by law, at no cost to the parent.

EHBAC (LEGAL) SPECIAL EDUCATION
STUDENTS IN NONDISTRICT PLACEMENT

An existing provision on district TRANSPORTATION obligations when a parent enrolls a student receiving special education services in a private school has been moved to this code from EHBA(LEGAL).

EHBAD (LEGAL) SPECIAL EDUCATION
TRANSITION SERVICES

Citations in the text at GRADUATION, on page 2, have been updated based on changes to the Administrative Code effective September 16, 2015.

EHBAE (LEGAL) SPECIAL EDUCATION
PROCEDURAL REQUIREMENTS

As clarified by amended commissioner rules effective December 2, 2015, when a district provides prior written notice to a parent of a proposal to initiate or change or a refusal to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free and appropriate public education (FAPE), the notice must be in the parent's native language or other mode of communication. See PRIOR NOTICE AND CONSENT on page 3.

EHBD (LEGAL) SPECIAL PROGRAMS
FEDERAL TITLE I

At PARENT AND FAMILY ENGAGEMENT PLAN, ESSA expands on the previous NCLBA requirement regarding parental involvement to require districts to conduct outreach to "family members" of district students as well as parents. Districts must implement programs, activities, and procedures for the involvement of parents and family members in order to receive funds under Title I, Part A. ESSA adds new provisions regarding engaging families, including involving parents in the activities of the schools served under Title I, Part A, which may include establishing a parent advisory board to adequately represent served families for the purpose of developing, revising, and reviewing the parent and family engagement policy, which will be incorporated into the district plan. [See BQ(LOCAL) for additional guidance regarding parent and family engagement plans.]

ESSA maintains the NCLBA requirement that educational services and other benefits for students in PRIVATE SCHOOLS be equitable in comparison to services and other benefits for public school children participating under Part A, but adds several new required services: instructional services, counseling, mentoring, and one-on-one tutoring.

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EHBD (LOCAL) SPECIAL PROGRAMS
FEDERAL TITLE I

ESSA maintains the previous NCLBA comparability of services requirement under which a district that receives Title I, Part A funds must ensure that each campus receives comparable state and local resources, regardless of whether any specific campus receives Title I, Part A funds. TEA's *Title I, Part A Comparability of Services Guidance Handbook* requires all districts that receive Title I, Part A funds to have a district salary schedule and written policy ensuring comparable services among campuses. This local policy is recommended for inclusion in the district's policy manual to better address the policy requirement, and it requires the district to provide written assurance to TEA regarding the listed areas of service.

The *Handbook* may be accessed on TEA's website under [Title I, Part A Comparability of Services Guidance Handbook](#).

Please note: If the district has more than one campus at any grade level (e.g., two kindergarten–grade 5 campuses), please contact your policy consultant for an adjustment to this policy.

EHBE (LEGAL) SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

ESSA has replaced the term “Limited English Proficient” with “English Learner,” as reflected at TITLE III REQUIREMENTS on page 1. Please note that state law continues to use a variety of terms, including “student of limited English proficiency” and “English language learner.”

EHBG (LEGAL) SPECIAL PROGRAMS
PREKINDERGARTEN

New commissioner rules effective April 6, 2016, have been added at HIGH-QUALITY PREKINDERGARTEN GRANT PROGRAM, beginning on page 3. The rules explain ELIGIBILITY FOR FUNDING, define which students are QUALIFYING STUDENTS, include details on CURRICULUM REQUIREMENTS and TEACHER REQUIREMENTS, and describe the required FAMILY ENGAGEMENT PLAN.

EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

A citation in the text at OLS ELIGIBILITY has been updated based on the renumbering of the referenced statutory provision effective August 6, 2015.

EKB (LEGAL) TESTING PROGRAMS
STATE ASSESSMENT

An existing statutory provision requiring a district that receives Title I, Part A funds to provide parents information on their child's performance on state assessments has been moved without revision from DBA(LEGAL) to this legally referenced policy. See PARENTS RIGHT-TO-KNOW UNDER ESEA on page 10.

In addition, citations have been updated based on ESSA and a table of contents added for ease of reference.

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FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

ESSA made minor changes to the existing requirement for districts to designate a LIAISON for homeless children. ESSA specifies that the liaison must be able to carry out the required duties of the position. ESSA also requires a district to provide additional notification regarding the duties of the liaison. A district must now inform homeless children and parents and guardians of homeless children of the liaison's duties in addition to informing school personnel, service providers, and advocates. See page 6.

FD (LEGAL) ADMISSIONS

Revisions to this legally referenced policy are to address wording changes from ESSA to the definition of HOMELESS STUDENTS and to include other relevant federal provisions defining homeless persons referred to in state law.

Other changes are to better reflect statute.

FDB (LEGAL) ADMISSIONS INTRADISTRICT TRANSFERS AND CLASSROOM AS- SIGNMENTS

Provisions throughout this legally referenced policy have been revised to better track existing statutory language.

FDC (LEGAL) ADMISSIONS HOMELESS STUDENTS

This legally referenced policy on homeless students has been revised significantly based on changes from ESSA.

We have moved to the beginning of the policy the existing requirement for a district to make school placement and enrollment decisions for HOMELESS CHILDREN in accordance with the child's best interest, added an existing definition of "UNACCOMPANIED YOUTH," and incorporated a change from ESSA to explain that the "SCHOOL OF ORIGIN" includes the receiving school at the next grade level for a feeder school.

Other revisions from ESSA at SCHOOL STABILITY provide guidance on how a district determines a child's "best interest" for placement and enrollment decisions. A district must presume that keeping the student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. A district shall also consider the impact of moving schools on achievement, education, health, and safety. If the district determines that it is not in the child's best interest to attend the school of origin or the requested school, the district must provide a written explanation in a form that is understandable to the parent or student, including information regarding the dispute resolution process.

Existing provisions at SCHOOL PLACEMENT, on page 3, have been updated to better match statutory wording and reflect that TEA must affirm that districts will adopt policies and practices to ensure that homeless children are not stigmatized or segregated. See FDC(LOCAL) below for text to satisfy this policy requirement.

Existing provisions regarding RECORDS, updated with minor changes from ESSA, have been added to the policy, also on page 3.

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Two new ESSA provisions have been added. At PRIVACY, the text clarifies that a district must treat information about the living situation of a homeless child as a student education record; a district cannot designate the information as directory information under FERPA. Regarding HOMELESS CHILDREN WITH DISABILITIES, on page 4, a district must coordinate homeless services with other special education services provided by the district or other districts.

Please note: The TASB *Regulations Resource Manual*, available on myTASB, includes an FAQ for district staff with information regarding dispute resolution procedures, including state timeline expectations for processing a dispute, and a sample dispute resolution form for use by a parent, guardian, or unaccompanied youth who disagrees with the district's eligibility, school selection, or enrollment decision. TASB developed these materials in collaboration with TEA, Education Service Center (ESC) Region 10, and the Texas Homeless Education Office (THEO). See FDC(EXHIBIT).

FDC (LOCAL) ADMISSIONS HOMELESS STUDENTS

As described at FDC and FFC(LEGAL), ESSA made several changes to the McKinney-Vento Homeless Assistance Act. Recommended revisions to this local policy incorporate those changes.

Text at LIAISON FOR HOMELESS STUDENTS addresses the new requirement for a district to adopt policies and practices to ensure that the liaison participates in professional development activities. In addition to requiring the liaison to receive professional development, the local policy text requires the liaison to provide appropriate staff members with relevant professional development and to review with campus admissions personnel the laws and procedures applicable to homeless students. These statements address new duties for the liaison added by ESSA. See FFC(LEGAL), below.

To satisfy the requirement to adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated, a statement has been added to that effect at ADMISSIONS. See FDC(LEGAL), above. Recommended text also clarifies that campus admissions staff must notify the liaison regarding the admission of a homeless student.

Text at ENROLLMENT IN SCHOOL OF ORIGIN has been updated to reflect the presumption that keeping the student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth, and to update the factors that the district considers in making this decision.

Revisions at DISPUTE RESOLUTION PROCESS include the requirement for the district to provide notices regarding enrollment in writing and in a form that is understandable to the parent or student. These notices must include information on the right to appeal. A new sentence reflecting recommended best practice from TEA requires the district to expedite local timelines in the district's complaint process, when possible, for prompt dispute resolution.

Please note: Further details on the dispute resolution procedures are included in FDC(EXHIBIT) in the TASB *Regulations Resource Manual*, available on myTASB. The materials include an FAQ for district staff with information regarding dispute resolution procedures, including state timeline expectations for processing a dispute, and a sample dispute resolution form for use by a parent, guardian, or unaccompanied youth who disagrees with the district's eligibility, school selection, or enrollment decision. TASB developed these materials in collaboration with TEA, ESC Region 10, and THEO.

FDE (LEGAL) ADMISSIONS SCHOOL SAFETY TRANSFERS

Citations to the NCLBA have been deleted and provisions have been revised throughout to better track existing statutory language.

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FFC (LEGAL) STUDENT WELFARE STUDENT SUPPORT SERVICES

ESSA imposes additional responsibilities regarding the LIAISON FOR HOMELESS STUDENTS. In appointing a liaison, the district must designate someone who can carry out the duties required by law. A district must also adopt policies and practices to ensure that the liaison participates in professional development and other activities. See FDC(LOCAL), above, for local policy text to satisfy this policy requirement.

New DUTIES require the liaison to ensure that:

- The notice of educational rights of homeless children is disseminated in locations frequented by parents and guardians of homeless children and unaccompanied youths and is in a form understandable to them;
- Other district staff who provide services under the McKinney-Vento Act receive professional development and other support; and
- Unaccompanied youth are enrolled in school, have the same academic opportunities as other students, and are informed of assistance they can receive regarding application for federal student financial aid.

A liaison may affirm that a homeless child or the child's family meets the U.S. Department of Housing and Urban Development homeless eligibility standard for purposes of qualifying for the department's programs. See DETERMINATION OF HOMELESS STATUS on page 2.

Changes at NOTICE require districts to inform homeless children and parents and guardians of homeless children of the duties of the homeless liaison.

Regarding children in the conservatorship of the state, ESSA requires a district receiving Title I, Part A funds to designate a district contact to collaborate with the local child welfare agency if the agency designates a contact to work with the district. See CHILD WELFARE CONTACT on page 3.

Please note: The TASB *Regulations Resource Manual*, available on myTASB, includes an FAQ for district staff with information regarding dispute resolution procedures, including state timeline expectations for processing a dispute, and a sample dispute resolution form for use by a parent, guardian, or unaccompanied youth who disagrees with the district's eligibility, school selection, or enrollment decision. TASB developed these materials in collaboration with TEA, ESC Region 10, and THEO. See FDC(EXHIBIT).

FL (LEGAL) STUDENT RECORDS

A new provision from ESSA has been added on page 18 and clarifies that a district must treat information about the living situation of a HOMELESS STUDENT as a student education record; a district cannot designate the information as directory information.

Another change from ESSA appears at CONSENT TO RELEASE, beginning on page 20. The change explains that an 18-year-old student or the student's parent may submit a written request that the district not release the student's name, address, and telephone listing to military recruiters or institutions of higher education without prior written consent. A district may withhold access to the contact information based on the written consent request process, but may not implement an opt-in procedure.

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FNA (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

At FEDERAL FUNDS, a citation to the NCLBA has been deleted and the text revised to better track existing statutory language.

FNCF (LEGAL) STUDENT CONDUCT
ALCOHOL AND DRUG USE

An outdated provision from the NCLBA addressing programs and activities funded under the federal Safe and Drug-Free Schools and Communities Act has been deleted. Other changes are to better track existing statutory language.

FNCG (LEGAL) STUDENT CONDUCT
WEAPONS

At FEDERAL FIREARMS PROVISION, we have added two existing statutory provisions from the Gun-Free Schools Act:

- A definition of "SCHOOL," which includes any setting that is under the control and supervision of a district for the purpose of district student activities; and
- The EXCEPTION for a firearm that is lawfully stored inside a locked vehicle on school property or used as part of a district activity for which the district has adopted appropriate safeguards to ensure student safety.

Citations have been updated based on ESSA.

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

A student younger than six years of age who has been expelled to a DAEP under the Gun-Free Schools Act must be provided educational services in the DAEP. This has been clarified at STUDENTS YOUNGER THAN SIX on page 4.

A revision at TERM OF REMOVAL, on page 5, explains that a period of DAEP placement may not exceed one year unless the district determines that the student is a threat to the safety of other students or to district employees. Previously the law also allowed an extended placement if it was in the best interest of the student, but that criterion was removed from statute.

Other changes are to better reflect statute.

FOD (LEGAL) STUDENT DISCIPLINE
EXPULSION

At FEDERAL FIREARMS OFFENSE, beginning on page 2, we have made the following revisions to the provisions on the Gun-Free Schools Act:

- Revisions to the text to better match statutory wording;
- Updated citations based on ESSA; and

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- The addition of a definition of "SCHOOL," which includes any setting that is under the control and supervision of a district for the purpose of district student activities.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

Material from the recently passed Cybersecurity Information Sharing Act has been added on page 11. Effective December 18, 2015, the Act is intended to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats. If for purposes of cybersecurity a district shares or receives a cyber threat indicator or defensive measure, the information is exempt from disclosure.

See also CQ(LEGAL), above.

GKC (LEGAL) COMMUNITY RELATIONS
VISITORS TO THE SCHOOLS

Minor, nonsubstantive revisions at MILITARY RECRUITERS' ACCESS TO STUDENTS are based on ESSA.