



UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

TOPIC: Review of LEGAL Policies in TASB Update 104

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

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: April 20, 2016

Review of LEGAL Policies in TASB Update 104.

See attached list.

Instruction Sheet
TASB Localized Policy Manual Update 104

District: United ISD

[illegible]

Explanatory Notes

TASB Localized Policy Manual Update 104

District: United ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills in these Explanatory Notes refer to bills from the 84th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

Multiple bills affected this legally referenced policy on ad valorem taxes. Significant changes are described with the relevant bill number in parenthesis.

When a district's TAX RATE will exceed the sum of the effective maintenance and operations tax rate and the district's current debt rate, the board's vote on the ordinance, resolution, or order setting the tax rate must be by record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order. See page 4. (SB 1760)

The HOMESTEAD EXEMPTION, as reflected on page 10, increased from \$15,000 to \$25,000. (SB 1)

At EXEMPTION FOR SURVIVING SPOUSE on page 11, we have added a recently adopted constitutional amendment providing the residence homestead exemption to a surviving spouse of a 100 percent disabled veteran who died before the law authorizing the exemption for such a veteran took effect. (HB 992)

CFA (LEGAL) ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

New provisions at REPORT OF DEBT INFORMATION, beginning on page 1, are from HB 1378 and require school districts to annually compile and report financial information related to the district's debt obligations, credit rating, and other relevant information. The district must make the annual report available for inspection and post the report on its website until the district posts the next annual report. A district must also post on its website the contact information for the main office of the district. As an alternative to providing an annual report, a district may provide the required information to the comptroller and provide a link to the comptroller's website, where the district's financial information may be viewed.

Other revisions throughout this legally referenced policy are based on amendments to the Texas Administrative Code, effective August 6, 2015. The rules were amended to remove outdated provisions and to align provisions with current statute.

The ratings at CORRECTIVE ACTION PLAN, on page 5, have been updated to refer to the new letter ratings.

At PROJECTED DEFICIT, also on page 5, the rule revisions implement changes from HB 5 (83rd Legislative Session). When the commissioner of education projects that a deficit will occur in a district's general fund within the next three school years, TEA will provide the district certain financial information to evaluate the district's budget situation. TEA may also require the district to submit additional information or to acquire professional services.

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CFC (LEGAL) ACCOUNTING AUDITS

Newly added to the policy manual are provisions addressing the FINANCIAL ACCOUNTABILITY RATING SYSTEM, beginning on page 2, as revised in Administrative Code rules, effective August 6, 2015. The rules were revised to continue or update established practice. The provisions explain the DATA REVIEWED by TEA in calculating the financial accountability indicators and include a description of the items used as the BASIS FOR THE RATING, including clarification that ratings are based on the data for the prior fiscal year. At TYPES OF RATINGS is an explanation of each of the possible letter grade ratings. Regarding ISSUANCE OF RATINGS, TEA must issue the preliminary rating on or before August 8, and the preliminary rating will become final 31 days after issuance if the district does not file an appeal.

Administrative Code provisions on financial solvency were deleted from rule effective December 29, 2015, because the statute that directed TEA to develop a review process relating to financial solvency of districts and to take certain actions if the review indicated a projected deficit was repealed effective September 1, 2014. Current statute requires TEA to provide districts additional information if a projected deficit is found, as reflected at CFA(LEGAL), included in this update.

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

Beginning on January 1, 2016, HB 1378 requires a district to continuously post on its website the district's annual financial report and the contact information for the district's main office. (See items 12 and 13 on page 2.)

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

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015, and resulted in a new provision on page 6 permitting SBEC to impose a SANCTION on a superintendent who falsely or inaccurately certifies to the commissioner of education that the district complied with the required criminal history review provisions in law.

DFE (LEGAL) TERMINATION OF EMPLOYMENT RESIGNATION

Amended Administrative Code rules addressing State Board for Educator Certification enforcement actions were adopted effective October 8, 2015, and resulted in minor rewording at INVESTIGATION, on page 2.

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

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015. The rules clarify that a superintendent must notify SBEC if an educator has submitted a notice of RESIGNATION and evidence exists that would support a finding that the educator had engaged in an act of misconduct as described in the policy.

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E (LEGAL) INSTRUCTION

We have revised the E section table of contents to add a new policy, EHBAF, on video and audio monitoring of special education classes and other settings.

EHBAF (LEGAL) SPECIAL EDUCATION VIDEO/AUDIO MONITORING

This new legally referenced policy addresses video and audio monitoring of special education classes and other settings, effective for the 2016–17 school year, as added by SB 507.

Upon request by a parent, board member, or staff member to promote student safety, a district must provide equipment, including a video camera, to each school in the district in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled. Schools must operate the cameras in classrooms or special education settings as described in the policy.

There are specific requirements outlined in the policy for the VIDEO CAMERAS, such as the areas that must be visible and audible. Districts must provide WRITTEN NOTICE to all school staff and to the parents of students receiving special education services in the classroom or setting where cameras are placed.

The RETENTION PERIOD for the recordings is a minimum of six months after the date of the recording. A district may not allow regular or continual monitoring of the video recording or use the recording for teacher evaluations or any other purpose other than to promote the safety of students receiving special education services.

Recordings of a student are CONFIDENTIAL, with certain exceptions.

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EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

A new provision from amended State Board of Education rules effective November 20, 2015, requires a district to provide opportunities for credit by examination to STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE who transfer into the district after the school year begins. (See page 3.)

EI (LEGAL) ACADEMIC ACHIEVEMENT

A new requirement from amended State Board of Education rules effective November 20, 2015, requires a district to award partial credit to a student who is homeless or in substitute (foster) care who successfully completes only one semester of a two-semester course.

Districts still have discretion regarding whether to award partial credit to other students who successfully complete only one semester of a two-semester course. However, if your district either does not award partial credit or places restrictions on the award of partial credit, please be aware of the new requirements for students who are homeless or in substitute care when applying partial credit.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Amendments to the Administrative Code effective December 10, 2015, implement changes from HB 1613 and SB 149 regarding use of the Texas Success Initiative (TSI) as a substitute assessment for an end-of-course (EOC) assessment and HB 2349 regarding reporting the results separately for out-of-state transfer students. As explained at SUBSTITUTE ASSESSMENTS beginning on page 6, a student enrolled in a college preparatory English language arts or mathematics course who meets a certain score on the TSI at the end of the course satisfies the relevant EOC assessment graduation requirements. Under some circumstances, a student can satisfy both the English I and II EOC assessment requirements.

In addition, a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment may use the TSI as a substitute assessment if the student has met certain TSI score requirements.

The amended rules also require a district to report to TEA whether a student transferred into the district from out of state during the current school year, and TEA must report the assessment results of these transfer students separately from other students. (See OUT-OF-STATE TRANSFERS on page 11.)

An existing statutory provision has been added requiring ACCELERATED INSTRUCTION for students who fail an assessment administered in grades three through eight.

FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

The U.S. Department of Education Office for Civil Rights (OCR) enforces the Age Discrimination Act of 1975, which prohibits discrimination based on age in programs or activities, including programs or activities of a local educational agency or other school system, that receive federal financial assistance. To accurately reflect this federal law in policy, we have added "age" to the list of protected characteristics at FEDERAL FUNDING RECIPIENTS on page 1.

Additional information on the Age Discrimination Act may be found at <http://www2.ed.gov/policy/rights/guid/ocr/ageoverview.html>.

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We have revised the text at EVALUATION AND PLACEMENT, beginning on page 4, to provide additional detail from current regulations about a district's obligation to conduct an evaluation for a student with a disability who needs or is believed to need special education or related services. The text also outlines the items that need to be addressed in district procedures on evaluation and placement.

FD (LEGAL) ADMISSIONS

To assist districts in determining residency of students seeking admission to district schools, a definition of "residence" has been added from a U.S. Supreme Court case at PROOF OF ELIGIBILITY, beginning on page 3. The definition provides that residence requires living in the district and having the present intention to remain there.

New provisions are also recommended to clarify TRANSFER OF CREDIT from accredited and nonaccredited schools and are broad enough to replace the current local policy provisions, which are limited to transfer of credit from nonaccredited schools. In accordance with state rule and as reflected in the recommended text, the district must accept credits for state graduation requirements earned in an accredited public school district in Texas. However, before recognizing credits earned in any other school, including an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, a district must evaluate the records or transcripts and may use a variety of methods to verify course content. The recommended local policy text also clarifies that the district may require the student to demonstrate mastery of the course content.

The definition of "accredited" that was already included in the policy has been moved to the beginning of the section addressing transfer students, since this definition is relevant to placement decisions as well as transfer of credit.

Revisions at WITHDRAWAL reflect that a parent wishing to withdraw a student presents a statement of withdrawal rather than a request.

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FFA (LEGAL) STUDENT WELFARE WELLNESS AND HEALTH SERVICES

Revisions to this legally referenced policy on student wellness and health services reflect the repeal of the 2004 federal school wellness policy requirements and the addition of new wellness policy requirements from the Healthy, Hunger-Free Kids Act (HHFKA) of 2010. The 2010 HHFKA places greater emphasis on implementation, evaluation, and transparency to the public.

Specifically, the HHFKA added requirements for:

- Including wellness goals for nutrition promotion;
- Permitting additional stakeholders, including teachers of physical education and school health professionals, to participate in the development, implementation, and periodic review of the wellness policy;
- Informing the public about the content and implementation of the policy;
- Providing an assessment of the implementation of the policy; and
- Designating one or more district employees to ensure that each campus complies with the policy.

The U.S. Secretary of Agriculture must develop regulations that provide the framework and guidelines for districts to establish their wellness policies. Final federal regulations are still pending and will be added to the policy when effective.

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Please note: TASB Policy Service has created new policy development materials to assist you in revising your FFA(LOCAL) for appropriate compliance with the HHFKA statutory requirements, available on myTASB at <https://www.tasb.org/Services/Policy-Service/myTASB/Starting-Points/Wellness/Wellness-Policy-and-Wellness-Plan.aspx>.

FL (LEGAL) STUDENT RECORDS

Although new provisions from SB 507 that require video cameras in certain special education classrooms are not effective until the 2016–17 school year, the bill makes immediate changes regarding the list of EXCEPTIONS for which consent is not required when a district employee makes VIDEOTAPES AND RECORDINGS of a child or child's voice. Parental consent is not required when a videotape or recording is related to the promotion of student safety under the new law pertaining to recordings in special education settings. See pages 20 and 21.