

Vantage Points

A Board Member's Guide to Update 113

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and brief descriptions focus on key issues to help local officials understand changes found in the policies. The description of policy changes in *Vantage Points* is highly summarized. Please pay careful attention to the more detailed, district-specific Explanatory Notes and the policies in the localized update packet.

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, email us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

For more information about Policy Service, visit [our website](#).¹

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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Update 113 focuses on updating (LEGAL) policies affected by changes in administrative rules and commissioner of education rulings. Several (LOCAL) policies have been updated as well to better align with these changes and for organization and restructuring purposes.

Accountability

Legal policies in the AI series, which covers accountability, were revised to include:

- The commissioner of education's award of campus distinctions [see AIA(LEGAL)];
- Local accountability campus performance ratings [see AIA(LEGAL)];
- Districts' obligations regarding the annual performance report and the Texas Academic Performance Report (TAPR) [see AIB(LEGAL)];
- Procedures regarding interventions and sanctions [see AIC(LEGAL)]; and
- Procedures for districts applying to receive a Title I, Part A subgrant [see AID(LEGAL)].

Board Items

BBBD(LEGAL) was updated to include legal provisions explaining disclosure requirements for political advertising, and BBE(LEGAL) was revised to add two offenses addressing a board member's misuse of government records and information.

BBE(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy on board members' authority require district staff to remind board members who are provided access to confidential records or reports that they must comply with the district's applicable information security controls.

BDD(LOCAL) POLICY CONSIDERATIONS

Updates to this policy on the board's legal counsel are recommended to reflect common practices. The first change reflects the use of an engagement letter by law firms rather than a written agreement or contract to establish the fees and expenses for services. The second revision clarifies that the board president or designee, not just the superintendent, may obtain and report legal advice to the board.

Revisions to BDF(LEGAL) and BF(LEGAL) match statutory language regarding requirements for the school health advisory committee (SHAC) and student achievement improvement plans.

**Superintendent
Evaluation**

The updates to BJCD(LEGAL) reflect a change in the Administrative Code that allows the completion of the Lone Star Governance superintendent evaluation to satisfy the commissioner of education's superintendent appraisal process.

BJCD(LOCAL) POLICY CONSIDERATIONS

An updated Administrative Code rule spurred the deletion from this policy of specifics regarding the superintendent's evaluation instrument and the list of board objectives for conducting the evaluation. Recommended changes clarify that the superintendent may request an open meeting for the evaluation despite the typical practice of a closed meeting. For more information and resources on the superintendent's evaluation, visit [TASB's Leadership Team Services website](#).²

**District
Operations**

Provisions from the Office of Management and Budget (OMB) Uniform Guidance that address federal awards to non-federal entities were added to CBB(LEGAL). CDA(LEGAL) was revised to better match statutory language regarding districts' ability to take certain investment actions. A note was added to CDB(LEGAL) regarding the disposal of real property acquired with federal funds, and details from statute regarding public facility corporations and facilities and infrastructure partnerships were added to CDH(LEGAL).

Details from law regarding salary deductions were added to CFEA(LEGAL). Policy CG(LEGAL) was deleted since the content on bonded employees and officers is covered in other codes. Language regarding offenses pertaining to firearms on buses was deleted from CNC(LEGAL) since it is included at GKA(LEGAL).

**School
Properties
Disposal**

CI(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy clarify the scope of the superintendent's authority to dispose of district property, including district vehicles and other personal property. An additional statement is recommended to clarify that instructional materials must be disposed of in accordance with law. A final recommended change clarifies that property obtained with federal funds or as federal surplus must be managed in accordance with federal law.

**Food Services
Management**

CO SERIES (LOCAL) POLICY CONSIDERATIONS

Several recommended revisions were made to the CO series of local policies dealing with food and nutrition management. For all districts, recommended changes to CO(LOCAL) reflect that the superintendent is authorized to develop regulations on food donation programs, which might include a sharing table or selling leftovers. Additional guidance on these types of programs is available from the Texas Department of Agriculture. Since the USDA recommends serving a meal to all students, regardless of exhausted meal accounts or insufficient funds, provisions specifically referencing alternate or reimbursable meals are recommended for deletion from policies that had that language. Provisions on meal charges are recommended for removal for those districts participating in a federal meal program that provides free meals to all students.

New policy COA(LOCAL) is recommended for inclusion in the district's manual to comply with state and federal procurement rules on the use of child nutrition funds. This policy was issued to all districts that receive federal funds for nutrition. The text assigns responsibility to the superintendent to oversee the use of child nutrition funds to procure goods and services and to develop and enforce financial management systems and other procedures to comply with state and federal requirements. Other provisions authorize the superintendent to determine whether the district will specify a geographical preference when procuring unprocessed, locally grown products.

New policy COB(LOCAL) is recommended for inclusion in the district's manual to address elements of the federal free and reduced-price meal programs. The policy provisions vary depending on whether the district participates in CEP or Provision 2. New text issued to all districts addresses student and parent appeals regarding eligibility for free or reduced-price meal programs and allegations of discrimination in school meal programs, as reflected in COB(LEGAL).

**Records
Management and
Insurance**

The criminal offenses of tampering with or knowingly or intentionally destroying governmental records were moved from BBE(LEGAL) to CPC(LEGAL). These offenses apply to district employees as well as board members.

Changes to CR(LEGAL), on insurance and annuities management, were made to more closely align the policy with law. The policy addressing the various types of purchased insurance, CRB(LOCAL), was deleted because typically these types of decisions are made during the budget process and there is no requirement to reflect these decisions in board policy. To better match details in statute, CRF(LEGAL) was revised to provide more information about reasonable assurance for unemployment insurance.

Employment

DEC(LEGAL) was updated with recent case law on retaliatory discharge and absence control. Factors that SBEC considers when determining whether an educator had good cause to abandon a contract were added to DFE(LEGAL).

Students

For those districts that had them, the following LOCAL policies were deleted because their content is more appropriately addressed in administrative regulations:

- ED, Organization of Instruction.
- EEA, Instructional Arrangements: Grouping for Instruction.
- EEB, Instructional Arrangements: Class Size.
- EFC, Instructional Resources: Community Instructional Resources.
- EFD, Instructional Resources: Field Trips. Any board-level provisions regarding field trips that districts wish to retain are now at FMG, addressing student travel.
- EHBA, Special Programs: Special Education.
- EHBL, Special Programs: High School Equivalency.

Special Education Video and Audio Monitoring

EHBAF(LOCAL) POLICY CONSIDERATIONS

Updated Administrative Code rules resulted in recommended changes to this policy on special education video and audio monitoring, including:

- Clarification that requests for cameras to be installed the following school year must be made in writing.
- An affirmative statement that districts must operate the installed cameras during the instructional day when one or more students are in the classroom.
- Clarification regarding student clothing changing areas to match the rules.
- Reference to "release" of video recordings as allowed by law, and
- New language granting parents, staff members, or district administrators an expedited review by TEA of certain complaints.

EHBAF(LEGAL) has also been updated to reflect these new Administrative Code rules.

Special Programs

Changes to EHB(L) reflect district participation information under the Carl D. Perkins Career and Technical Education Act. Changes to EHB(L) reflect and refer to updated Administrative Rules on adult education.

State Assessment and Partnership Charters

The policy on state assessments, EKB(L), was updated to reflect amended rules regarding the substitute assessments used to satisfy end-of-course graduation requirements. New rules on partnership charters required changes to ELA(L).

Investigations and Searches

The table of contents for the F Section of the manual was revised to reflect the new title for FNF(L), now Investigations and Searches. Revisions to FFG(L) add details on disciplinary actions that SBEC can take against an educator who fails to comply with child abuse and neglect reporting requirements.

FNF(L) POLICY CONSIDERATIONS

This local policy on student investigations and searches has been updated to reflect current case law and common practices, including:

- Clarifying that students may not refuse to answer questions from district officials about their own conduct or another student's conduct on the grounds that it would incriminate them;
- Adding a statement that reminds students there is no expectation of privacy in district property and such property may be searched at any time without notice;
- Adding general search provisions that outline the district's authority to conduct searches of students and their belongings;
- Language permitting the district to conduct metal detector searches; and
- Deleting the details of random drug-testing programs to avoid conflict between policy and administrative procedures. If districts have questions about this change, they should contact their policy consultant.

FNF(L) was also updated to include case law on intrusive searches.

Student Discipline

Existing statutory provisions regarding the required conference, appeals, and placement length for a student being removed from class by a teacher were added to FOA(L). FODA(L) was revised to include existing statutory provisions on juvenile justice alternative education programs in counties

with certain populations. Provisions on manifestation determinations for students with disabilities were updated in FOF(LLEGAL) to add existing statutory detail.

¹ TASB Policy Service website: <https://www.tasb.org/services/policy-service.aspx/>

² TASB Leadership Team Services' Superintendent Evaluation web page: <https://www.tasb.org/services/leadership-team-services/resources/superintendent-evaluation.aspx>

Instruction Sheet
TASB Localized Policy Manual Update 113

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Code	Type	Action To Be Taken	Note
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
AID	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBBD	(LEGAL)	Replace policy	Revised policy
BBE	(LEGAL)	Replace policy	Revised policy
BBE	(LOCAL)	Replace policy	Revised policy
BDD	(LOCAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BF	(LEGAL)	Replace policy	Revised policy
BJCD	(LEGAL)	Replace policy	Revised policy
BJCD	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CDB	(LEGAL)	Replace policy	Revised policy
CDH	(LEGAL)	Replace policy	Revised policy
CFEA	(LEGAL)	Replace policy	Revised policy
CG	(LEGAL)	DELETE policy	See explanatory note
CI	(LOCAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CO	(LOCAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
COA	(LOCAL)	ADD policy	See explanatory note
COB	(LEGAL)	Replace policy	Revised policy
COB	(LOCAL)	ADD policy	See explanatory note
CPC	(LEGAL)	Replace policy	Revised policy
CR	(LEGAL)	Replace policy	Revised policy
CRB	(LOCAL)	DELETE policy	See explanatory note
CRF	(LEGAL)	Replace policy	Revised policy
DEC	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EHBAF	(LEGAL)	Replace policy	Revised policy

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Code	Type	Action To Be Taken	Note
EHBAF	(LOCAL)	Replace policy	Revised policy
EHBF	(LEGAL)	Replace policy	Revised policy
EHBI	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FFG	(LEGAL)	Replace policy	Revised policy
FNF	(LEGAL)	Replace policy	Revised policy
FNF	(LOCAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
FODA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy

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AIA(LLEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Significant changes to this legally referenced policy on accreditation include:

- Moving the list of quality of learning indicators, which are used to prepare performance reports, to AIB;
- Adding detail on campus performance ratings under the local accountability option; and
- Clarifying when the commissioner of education's award of a campus distinction designation is mandatory or discretionary.

AIB(LLEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

Significant changes to this legally referenced policy on performance reporting include:

- Better distinction of the district's obligations regarding hearing requirements, publication, and use of the annual report and the Texas Academic Performance Report (TAPR);
- Clarification of additional information required in the annual performance report;
- Addition of the list of quality of learning indicators used to prepare performance reports, which was previously at AIA; and
- New text to reference the Performance-Based Monitoring Analysis System (PBMAS).

AIC(LLEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Update 113 includes a significant restructuring of this legally referenced policy on interventions and sanctions to add detail as appropriate, reorganize the provisions for better flow, and better reflect the legal content. The revisions also incorporate recent Administrative Code changes addressing:

- Provisions regarding commissioner of education appointment of a board of managers if a district has had a conservator or management team assigned for two consecutive years (effective January 28, 2019);
- Procedures to provide training in effective leadership strategies for a board of managers and subsequently to the board of trustees (effective February 4, 2019);
- Provisions on obtaining an intervention pause by contracting with a partner to operate a campus charter or operating as a designated mathematics innovation zone (effective November 18, 2018); and
- Information regarding when the commissioner may increase the intensity of sanctions (effective December 5, 2018).

AID(LLEGAL) ACCOUNTABILITY: FEDERAL ACCOUNTABILITY STANDARDS

In this legally referenced policy on federal accountability, we have added detail about what must be included in the district plan required to receive a Title I, Part A subgrant. For schoolwide programs and targeted assistance schools, the plan must address, where appropriate, educational services outside the district's schools for neglected or delinquent children living in local institutions or attending community day-school programs.

Other changes are to match statutory language.

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BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Citations have been updated throughout this legally referenced policy on elections. In addition, we have made a correction at Notice to Candidates to properly reflect the statutory language.

BBBD(LEGAL) ELECTIONS: CAMPAIGN ETHICS

This legally referenced policy on campaign ethics has been updated to include existing legal provisions explaining disclosure requirements for political advertising.

BBE(LEGAL) BOARD MEMBERS: AUTHORITY

Provisions on board member access to information have been updated to include the text of two offenses addressing misuse of government records and information, which address willfully destroying, mutilating, or removing public information without permission; altering public information; or distributing confidential information.

Other changes include:

- A cross-reference to CPC for offenses on destruction or alienation of records and tampering with governmental records;
- A cross-reference to BBFB for offenses on misuse of official information;
- Reordering of provisions for better flow; and
- Revisions to better match statutory language.

BBE(LOCAL) BOARD MEMBERS: AUTHORITY

A recommended revision to this policy addressing board member access to information clarifies that when a board member is provided access to records or reports that are confidential or not subject to public disclosure, district staff will inform the board member about compliance with the district's applicable information security controls.

Your locally developed text from 1993 at Resolution is recommended for deletion because this detail may be more appropriately addressed in board operating procedures. Furthermore, the board already passed this resolution so this provision is redundant.

BDD(LOCAL) BOARD INTERNAL ORGANIZATION: ATTORNEY

This local policy on legal counsel has been updated to reflect common practices.

In the first two paragraphs, recommended changes reflect that many law firms use an engagement letter rather than a written agreement or contract to establish the fees and expenses for services.

A revision about reporting legal advice to the entire board recognizes that the board president, not just the superintendent, may obtain and report legal advice to the board.

A final change strengthens the wording regarding staff requests for legal advice.

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

From existing statute, we have added the requirement for the School Health Advisory Council's annual report to the board to include any recommendations made by the physical activity and fitness planning committee.

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BF(LLEGAL) BOARD POLICIES

This legally referenced policy addressing waivers has been updated to include waivers applicable to a district or campus required to have a student achievement improvement plan. Other changes are to better match statutory language.

BJCD(LLEGAL) SUPERINTENDENT: EVALUATION

A new Administrative Code rule effective January 24, 2019, has been added to this legally referenced policy on superintendent evaluation. The rule allows completion of the Lone Star Governance superintendent evaluation to satisfy the commissioner of education's superintendent appraisal process.

BJCD(LLOCAL) SUPERINTENDENT: EVALUATION

Recommended revisions streamline this local policy on superintendent evaluation by deleting specifics about the evaluation instrument and the list of board objectives in conducting the evaluation. These changes were prompted by recently updated Administrative Code rules. The changes also clarify that although the evaluation typically takes place in a closed meeting, the superintendent may request an open meeting.

An overview of legal requirements and links to TASB's Superintendent Evaluation Instrument are available on the [TASB Leadership Team Services](#) website.

CBB(LLEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Additional provisions have been added from the Office of Management and Budget (OMB) Uniform Guidance, which establishes uniform requirements for federal awards to non-federal entities, such as school districts. The provisions include standards for federally owned property, property acquired or improved with federal awards, and equipment and supplies acquired under a federal award.

In addition, we have updated the Note on page 5 with additional resources on the micro-purchase threshold and the simplified acquisition threshold.

CDA(LLEGAL) OTHER REVENUES: INVESTMENTS

Throughout this legally referenced policy on investments, we have added statutory language that gives districts flexibility to take certain actions by "rule, order, ordinance, or resolution." Other changes are to better match statutory language.

CDB(LLEGAL) OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

We have added a Note at the beginning of this policy reminding districts that specific legal requirements apply to the disposal of real property acquired with federal funds. Provisions on Civil Order 5281 have been deleted. Other changes are to better match statutory language.

CDH(LLEGAL) OTHER REVENUES: PUBLIC AND PRIVATE FACILITIES

Additional detail from existing statute has been added regarding public facility corporations and public and private facilities and infrastructure partnerships.

CFEA(LLEGAL) PAYROLL PROCEDURES: SALARY DEDUCTIONS AND REDUCTIONS

This legally referenced policy on salary deductions has been revised to include more detail from existing law on each of the listed deductions.

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CG(LEGAL)

BONDED EMPLOYEES AND OFFICERS

This legally referenced policy on bonded employees and officers has been deleted, since the content is addressed at other codes.

CI(LOCAL)

SCHOOL PROPERTIES DISPOSAL

This local policy authorizes the superintendent to declare district materials, equipment, and supplies to be unnecessary and appropriately dispose of those items. In response to questions, we have clarified that the scope of this authority includes district vehicles and other district personal property.

In addition, we recommend adding a statement that instructional materials must be disposed of in accordance with law, as the Education Code requires the board to determine that the materials are not needed by the district.

Finally, a change clarifies that property obtained with federal funds or as federal surplus must be managed in accordance with federal law.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee. Contact the district's policy consultant if the board wants to specifically authorize someone other than the superintendent regarding the duties addressed in this policy.

CNC(LEGAL)

TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

The offense pertaining to firearms on buses has been deleted from this legally referenced policy on transportation, as the offense is already included at GKA(LEGAL). Other changes are to better match statutory language.

CO(LOCAL)

FOOD AND NUTRITION MANAGEMENT

This recommended local policy text authorizes the superintendent to develop regulations to donate or otherwise dispose of leftover food, such as implementing a sharing table or selling leftovers, in accordance with law. The Texas Department of Agriculture offers guidance on this topic.

Because your district participates in a federal meal program that provides free meals to all students, provisions on meal charges are recommended for removal from this policy.

COA(LEGAL)

FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have added a Note on page 2 referring to the Texas Department of Agriculture's Food and Nutrition Division *Administrator's Reference Manual* for information on contracts regarding consultants, food service management companies, and vended meals.

COA(LOCAL)

FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

This local policy is recommended for inclusion in the district's policy manual to comply with state and federal procurement rules on use of child nutrition funds. The text assigns responsibility to the superintendent to oversee the use of federal child nutrition funds to procure goods and services as appropriate and to develop and enforce financial management systems, internal control procedures, procurement procedures, and other procedures to comply with state and federal requirements.

The policy also includes provisions that authorize the superintendent to determine whether the district will apply a geographic preference when procuring unprocessed, locally grown or raised agricultural products to determine the types of products to which the preference would apply and to define the relevant geographic area.

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Contact your policy consultant if the board will authorize a position other than the superintendent to perform these responsibilities.

COB(LLEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

This legally referenced policy on free and reduced-price meals has been updated with additional provisions from existing law that address U.S. Department of Agriculture standards for eligibility hearings and nondiscrimination and confidentiality. A link provides the required nondiscrimination statement posting in a variety of languages.

COB(LOCAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

This new local policy is recommended for inclusion in the district's policy manual to address elements of the federal free and reduced-price meal programs.

The policy reflects the district's participation in the community eligibility provision meal program.

New text addresses student and parent appeals regarding eligibility for free or reduced-price meal programs. Federal law requires a district to provide a hearing process that meets certain requirements, as described in COB(LLEGAL). The local policy provides an avenue for appeal of the hearing official's decision in accordance with FNG(LOCAL).

As reflected at Civil Rights Complaints, federal and state guidance also requires districts to inform individuals alleging discrimination in school meal programs based on race, color, national origin, sex, age, or disability of the procedures and right to file a complaint with the Texas and U.S. Departments of Agriculture. Any such complaints must be forwarded to the Texas Department of Agriculture.

CPC(LLEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

This legally referenced policy on records management has been updated to include the criminal offenses of destruction or alienation of records and tampering with governmental records.

CR(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT

This legally referenced policy on insurance has been updated to better match statutory language.

CRB(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: LIABILITY INSURANCE

This local policy addressing the various types of insurance the district will purchase is recommended for deletion, as these decisions are typically made during the budget process and there is no requirement to reflect these decisions in board policy.

CRF(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE

Additional detail from existing statute has been added to this legally referenced policy on unemployment insurance to provide more information about reasonable assurance.

DEC(LLEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

At Compliance with a Subpoena, a new Note includes case law explaining that one federal district court concluded that governmental entities, such as school districts, have immunity from liability for claims of retaliatory discharge of an employee for complying with a subpoena.

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Additional supporting case law has also been added to the provisions explaining that uniform enforcement of a reasonable absence-control rule does not constitute retaliatory discharge.

DFE(LLEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

To assist districts in deciding whether to report an employee who has abandoned a contract to the State Board for Educator Certification (SBEC), we have included the factors that SBEC considers when determining whether the educator had good cause to abandon the contract.

E(LLEGAL) INSTRUCTION

The E section table of contents has been revised to reflect the deletion of codes EFC, on community instructional resources, and EFD, on field trips. Information regarding visitors to campuses is addressed at GKC, while content on all student travel, including field trips, is now found at FMG.

EHBAF(LLEGAL) SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

This legally referenced policy has been updated to include revised Administrative Code rules effective January 31, 2019, on video surveillance of special education settings. The rules add detail on reporting possible abuse or neglect seen in a recording, use of recordings in employee disciplinary actions, local policy requirements, procedures to appeal the denial of a request for video installation or to view a recording, and the Texas Education Agency expedited review process.

EHBAF(LOCAL) SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

Recommended revisions to this local policy on video and audio monitoring of special education classrooms are from revised Administrative Code rules effective January 31, 2019. Changes include:

- Clarification that requests for cameras to be installed the following school year must be in writing;
- At Installation and Operation, the addition of an affirmative statement that the district must operate the cameras during the instructional day at all times when "one or more" students are in the classroom;
- The revision of language regarding areas used for changing a student's clothes to match language in the rules, also at Installation and Operation;
- The reference to "release" of video recordings to specified individuals at Confidentiality of Recordings; and
- At Complaints, new provisions addressing the ability of a parent, staff member, or district administrator to request an expedited review of certain complaints by the Texas Education Agency.

EHBF(LLEGAL) SPECIAL PROGRAMS: CAREER AND TECHNICAL EDUCATION

This legally referenced policy on career and technical education has been updated to include information on district participation requirements under the Carl D. Perkins Career and Technical Education Act, effective July 1, 2019. The Act updated the definition of a member of a special population to whom a district must provide support to ensure program accessibility and assist in overcoming barriers.

EHBI(LLEGAL) SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION

Updates to this legally referenced policy on adult education are from amended rules effective December 16, 2018. The policy now refers to the Administrative Code for the essential program requirements. Diploma requirements were deleted from rule and deferred to TEA.

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EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Revisions to this legally referenced policy on state assessments include amended rules effective January 8, 2019, that clarify and update provisions on substitute assessments used to satisfy the state's end-of-course (EOC) graduation requirements.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

Changes to this legally referenced policy on partnership charters are based on new rules addressing implementation of the accountability intervention pause eligible districts may obtain by entering into partnerships to operate a district campus or through designation as a mathematics innovation zone.

F(LEGAL) STUDENTS

The F section table of contents has been revised to reflect that FNF has been renamed Investigations and Searches.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions to this legally referenced policy on child abuse and neglect provide additional detail on the disciplinary actions SBEC may take against an educator for failure to comply with child abuse and neglect reporting requirements. Other changes are to better match statutory language.

FNF(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: INVESTIGATIONS AND SEARCHES

This legally referenced policy on student searches has been updated to include case law on intrusive searches, such as a search of a student's underwear. The cases establish the standard that such searches are impermissibly intrusive unless the school officials reasonably suspect that the object of the search is dangerous or likely to be hidden in the student's underwear.

Legal guidance on student searches is outlined in TASB Legal Service's article, [Legal Issues in Student Searches](#).

FNF(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: INVESTIGATIONS AND SEARCHES

This local policy on student investigations and searches has been significantly revised to align with common practices and current case law.

The first section affirms that district officials may question a student about the student's or another student's conduct, and students may not refuse to answer questions based on the right not to incriminate themselves.

Provisions about district property inform students that they have no expectation of privacy in district property and such property may be searched at any time without notice. This would include, for example, blanket searches. Students are responsible for any prohibited items found in district property provided to them.

General search provisions have been added and outline the district's authority to conduct searches of students, their belongings, and vehicles in accordance with law and in a reasonable and nondiscriminatory manner. The policy explains when district officials may initiate a search and the standard for conducting a reasonable-suspicion search.

The policy permits but does not require the district to conduct metal detector searches, including those using handheld wands, and to use trained dogs to screen a student's belongings or an area.

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Please note: If your district has adopted a student random drug-testing program, please contact the district's policy consultant for an adjustment to this policy.

Legal guidance on student searches, including legal concerns seen in local policies, is addressed in TASB Legal Service's Legal Issues in Update 113 memo. Review this document to determine if your practices reflect best practices for student searches.

FOA(LLEGAL)

STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER

Several existing statutory provisions have been added to this legally referenced policy addressing teacher removal of a student from class. The provisions address the required removal conference, appeals, and placement length.

For clarity, provisions regarding mandatory removal have been moved to the beginning of the policy.

FODA(LLEGAL)

EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

This legally referenced policy on juvenile justice alternative education programs has been revised to include existing statutory provisions. Because county population may change, we have added provisions requiring a memorandum of understanding between the district and the county juvenile board in counties with a population greater than 125,000. The provisions on county population explain the circumstances for when a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less.

FOF(LLEGAL)

STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

Provisions on manifestation determinations for students with disabilities have been updated to add an existing statutory provision. If the student's conduct is determined to be the direct result of the district's failure to implement the student's IEP, the district must take immediate steps to remedy the deficiencies.