Vantage Points

A Board Member's Guide to Update 101

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**

TASB Policy Service

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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, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

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Update 101 incorporates recent changes to the Administrative Code on topics including board member training, school nutrition policies, secondary curriculum requirements, promotion and retention, and reporting child abuse and neglect, as well as revisions to the legally referenced policies on employee contracts. Local policy recommendations at Update 101 address issues such as board meetings, acceptance of electronic bids or proposals for district purchases, the authority to approve school closures and variations to the school calendar, and a recent commissioner of education decision that prompted changes to all three of the local policies addressing grievances.

Board Issues

Board Training

As reflected in revisions to BBD(LEGAL) on board training and orientation, the State Board of Education (SBOE) amended the existing requirement that a board president announce board member compliance with training requirements. Effective August 25, 2014, and applicable for the last calendar meeting of 2014, the amended rules require an additional statement that completion of annual training is an obligation and expectation of any board member under SBOE rule. Training requirements for new board members were also revised to specify a minimum time frame of three hours for the local district orientation, along with topics that the orientation must cover. In addition, a change was also made in the deadline to receive training on the Texas Education Code, which now must occur within the first 120 days of service rather than the first year and include discussion of specific chapters of the Education Code. Finally, the rules added a requirement that the annual team building session include a review of the framework for governance leadership, also approved by the SBOE. [For the governance framework, see BBD(EXHIBIT), not included in this update.]

Board Meetings

BE(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy on board meetings simplify the language in order to accommodate variations from a board's normal meeting practices. Rather than listing the regular meeting location, the policy now indicates that each notice shall reflect the date, time, and location of the meeting, whether the meeting is a regular, special, or emergency meeting. Recommended revisions also clarify that when determined necessary and for the convenience of board members, the board president may change the date, time, or location of regular meetings with proper notice.

Another recommended revision provides additional flexibility regarding the deadline to submit agenda items.

Superintendent Severance

BJCE(LEGAL), addressing suspension or termination of the superintendent, has been revised to incorporate amendments to the Administrative Code requiring a district that makes a severance payment to a superintendent to send copies of the superintendent's employment contract and the termination or severance agreement along with the Superintendent Payment Disclosure Form to the Texas Education Agency (TEA). The district must also provide any other information or documentation that the commissioner requests to determine if a payment is a severance payment.

District Operations

Depositories

Amended Administrative Code provisions also prompted changes regarding depositories at policy BDAE(LEGAL). The amended rules require a district's notice of request for proposals to include the Bid Form for Depository Services or the Proposal Form for Depository Services, as applicable, prescribed by SBOE rule. In addition, a district is required to use the depository contract form included in the Administrative Code and, if applicable, the surety bond form and is required to file the completed documents with TEA.

Purchasing and Acquisition

CH(LOCAL) POLICY CONSIDERATIONS

Under Texas law, a board may accept bids or proposals submitted electronically, but only if the board adopts rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

For districts that did not have text at CH(LOCAL) addressing electronic bids and proposals, we recommend new provisions allowing for this type of submission. These new provisions do not obligate a district to accept electronic submissions; however, bids or proposals that the district has chosen to accept electronically must be in accordance with board-adopted rules. For districts that already had text addressing electronic submission of bids and proposals, we recommend adding text to reference the board-adopted rules. Other recommended revisions throughout this policy are to more closely align with common district practice and to refer to administrative purchasing procedures.

School Nutrition Standards

New rules from the Texas Department of Agriculture (TDA), effective July 1 and September 1, 2014, repeal the former Texas Public School Nutrition Policy but continue prohibitions on the use of deep fat fryers and soft drinks. The new rules, reflected at CO(LEGAL), also place restrictions on the time and place of the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to

revise their Wellness Policies to adopt alternative standards. Definitions of "school day," school campus," and "competitive foods" are also included. The sanctions involved if a district is found to be in violation of the TDA rules have been added as well.

Use of School Facilities

Provisions from Senate Bill 2 from the 83rd Texas Legislature, Regular Session, have been incorporated at GKD(LEGAL) addressing nonschool use of school facilities. The new text provides that a district may not require a campus or campus program charter created by converting an existing district campus to purchase or rent a district facility in order to use the facility. The provisions also prohibit a district from requiring a campus or campus program charter or an open enrollment charter school to pay an amount for contracted services that is higher than the actual cost to the district for providing the services.

School Calendar

EB(LOCAL) POLICY CONSIDERATIONS

This local policy addressing the school year is recommended for inclusion in the policy manual for districts without a local policy and for revision by districts with a local policy. The recommended text gives the superintendent the authority to approve variations from the board-adopted school calendar when necessary and to close schools for reasons of public health and safety. These provisions ensure that the superintendent has the authority to act when an immediate need arises.

Grievance Process

DGBA, FNG, AND GF(LOCAL) POLICY CONSIDERATIONS

A recent commissioner's decision held that under the district's grievance policy an employee's use of the informal grievance process extends the timeline for filing a formal grievance, which would not begin to run until after the employee received a final response regarding the informal process. Recommended revisions at DGBA(LOCAL), the policy on employee complaints, FNG(LOCAL), on student and parent complaints, and GF(LOCAL), on complaints by the public, address this decision and clarify that participation in the informal grievance process does not extend any deadlines in the policies, except by mutual written consent, and that an administrator with whom a complainant addresses concerns through the informal process must have the authority to address those concerns.

Other significant recommended changes throughout the complaint policies provide flexibility to districts during the formal grievance process, including:

- A new provision stating that, while a district will make reasonable attempts to schedule conferences at a mutually agreeable time, if the complainant fails to appear at a scheduled conference, the district can hold the conference without the complainant;
- Revised text requiring Level One and Level Two administrators to "schedule" rather than "hold" conferences within ten days of receiving a written complaint or appeal notice, providing some flexibility when it is not possible to hold the conference within the ten-day period; and
- An exception to the requirement that a Level One administrator provide a response within ten days of a conference when there are extenuating circumstances.

Employment Issues

Contract Employees

Several legally referenced policies regarding contract personnel—DCA(LEGAL) addressing probationary contracts, DCB(LEGAL) addressing term contracts, and DCC(LEGAL) addressing continuing contracts—have been reorganized to more closely track current statutory language, to remove redundant provisions already covered at other codes, and to add existing statutory information to help clarify when each type of contract is required. In addition, a cross-reference to a new DK(EXHIBIT), which outlines SBEC certification requirements for personnel assignments, has been added to these legally referenced policies.

Professional Standards

New commissioner rules on teacher and principal standards are referenced in notes at DNA(LEGAL) and at DNB(LEGAL), respectively.

Instruction

Secondary Curriculum Requirements

Revisions at EHAC(LEGAL) reflect amendments to the Administrative Code to align the secondary curriculum requirements with the courses that districts must offer under House Bill 5. New SBOE rules have also been incorporated requiring districts to provide CPR instruction at least once to all students who entered grade 7 in or after the 2010–11 school year. This requirement can be waived by the ARD or Section 504 committee for a student with a disability if the student is unable to complete the CPR instruction.

Adult Education

EHBI(LEGAL), addressing adult and community education, has been revised to reflect new rules enacted by the Texas Workforce Commission (TWC), which now has oversight of adult education and literacy programs.

Academic Achievement Records

As reflected in changes at EI(LEGAL), on academic achievement, and at FL(LEGAL), on student records, a new SBOE rule requires districts to use an academic achievement record form that includes student demographics, school data, student data, and the courses and credits the student earned.

Furthermore, as noted at EI(LEGAL), academic achievement records must indicate endorsements, performance acknowledgments, and the distinguished level of achievement, as appropriate.

Certificate of Coursework Completion

The same SBOE rule that prompted changes at EI(LEGAL) and FL(LEGAL) also resulted in new text at FMH(LEGAL) providing that a student who completes all graduation requirements except for required end-of-course assessments may be issued a certificate of coursework completion. A related provision from existing statute explains that a district may allow a student who receives a certificate of coursework completion to participate in graduation ceremonies. See EI(LOCAL) and FMH(LOCAL), not included in this update, for whether your district issues certificates of coursework completion and allows students with certificates to participate in commencement ceremonies.

Retention and Promotion

The legally referenced policy addressing retention and promotion, EIE(LEGAL), has been reorganized for clarity and revised to reflect amendments to the Administrative Code. The amended rules rename the Grade Placement Committee Manual to the Student Success Initiative (SSI) manual, as reflected throughout the policy. Provisions addressing accelerated instruction for unsatisfactory performance on assessment instruments have been deleted, as those provisions are not specific to promotion and retention.

English Language Learners

Amended commissioner rules addressing English language learners' participation in state assessments are reflected at EKBA(LEGAL). The amended rules address which English end-of-course assessment can be used to meet graduation requirements for an English language learner who meets certain criteria and is enrolled in English I or English for Speakers of Other Languages I.

Makeup Work

EIAB(LOCAL) POLICY CONSIDERATIONS

For those districts that have this local policy on makeup work, we recommend its deletion. Guidelines on makeup work are typically distributed to students and parents in administrative materials, such as the district's grading guidelines or the student handbook, which creates the potential for conflicts with board-adopted provisions in the policy manual. There is no requirement for such a policy to be included in the district's local board policy manual.

Student Issues

Reporting Child Abuse and Neglect

Revised commissioner rules on reporting child abuse and neglect incorporate new statutory requirements made by Senate Bill 939 from the 83rd Texas Legislature, Regular Session, and are reflected at FFG(LEGAL). The amended rules require districts to "adopt" rather than "establish" policies for reporting child abuse and neglect and to provide training to district employees to increase awareness of sexual abuse and other maltreatment of children. Districts must also display at each campus a poster that meets certain specifications and includes information on reporting child abuse and neglect.

FFG(LOCAL) POLICY CONSIDERATIONS

To satisfy the commissioner's new requirement that districts adopt policies for reporting child abuse and neglect, this new local policy is recommended for inclusion in the district's manual. The policy requires individuals who have cause to believe that a child has been or may be abused or neglected to make a report as required by law and requires reports to be made in accordance with FFG(EXHIBIT). A revised FFG(EXHIBIT) referencing the new local policy is included in this update to distribute to staff.

Attendance for Credit

For clarification, an existing attorney general opinion has been added at FEC(LEGAL), addressing attendance for credit. In the opinion, the attorney general determined that, for purposes of receiving credit or a final grade, all absences are considered when calculating whether a student attended class for 90 percent of the days the class is offered.

Student Travel

FMG(LOCAL) POLICY CONSIDERATIONS

For those districts that have this local policy on student travel, recommended revisions are to simplify the policy and reflect common district practice. The policy also addresses common practices regarding authority to approve overnight and out-of-state trips.

More Information

For further information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your district's localized update packet.