

# Explanatory Notes

## Community College Localized Policy Manual Update 49

### Frank Phillips College

#### **ATTN(NOTE)**

#### **GENERAL INFORMATION ABOUT THIS UPDATE**

Revisions to legal frameworks incorporate clarification of existing materials and new materials arising from the 88th Regular Legislative Session, as well as amendments to federal statutes and federal and state rules.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 88th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

#### **B(LEGAL)**

#### **LOCAL GOVERNANCE**

Codes have been deleted in response to the consolidation of legal frameworks in the BCA series addressing board officers and officials.

#### **BCA(LEGAL)**

#### **BOARD INTERNAL ORGANIZATION: BOARD OFFICERS AND OFFICIALS**

Language from legal frameworks BCAB and BCAD has been moved to this framework to consolidate content addressing board officers.

#### **BCA(LOCAL)**

#### **BOARD INTERNAL ORGANIZATION: BOARD OFFICERS AND OFFICIALS**

New recommended local policy language provides additional information about the selection of board officers and the duties and responsibilities of the officers. Language in this policy is applicable to community colleges that use the term "Board Chair."

#### **BCAB(LEGAL)**

#### **BOARD OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD PRESIDENT**

Language from this legal framework has been moved to BCA to consolidate content related to board officers and officials.

#### **BCAB(LOCAL)**

#### **BOARD OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD PRESIDENT**

Content at this policy has been moved to policy BCA as part of the reorganization and consolidation of policies related to board officers.

#### **BCAC(LOCAL)**

#### **BOARD OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF VICE-PRESIDENT**

Content at this policy has been moved to policy BCA as part of the reorganization and consolidation of policies related to board officers.

#### **BCAD(LEGAL)**

#### **BOARD OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF SECRETARY**

Language from this legal framework has been moved to BCA to consolidate content related to board officers and officials.

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#### **BCAD(LOCAL)                      BOARD OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF SECRETARY**

Content at this policy has been moved to policy BCA as part of the reorganization and consolidation of policies related to board officers.

#### **BCB(LOCAL)                      BOARD INTERNAL ORGANIZATION: BOARD COMMITTEES**

New recommended local policy language addresses the formation and authority of board committees, which are committees composed exclusively of members of the board and make non-binding recommendations in an area of specified responsibility.

#### **BCE(LOCAL)                      BOARD INTERNAL ORGANIZATION: ADVISORY COMMITTEES**

This new recommended local policy addresses the formation and authority of advisory committees, which are mainly composed of college district staff, students, or community members and make non-binding recommendations to the board within an area of specified responsibility.

#### **BI(LEGAL)                      REPORTS**

The list has been amended to remove a reporting requirement regarding contact hours for career technical/workforce continuing education courses that was repealed by the Coordinating Board. It has been reorganized to accommodate reorganization of policies related to security. Additionally, the campus hazing transparency report required by the federal Stop Campus Hazing Act has been added, and the report of credit hours for certain continuing education courses has been removed in response to the repeal of Coordinating Board rules.

Other changes reflect the reorganization of policies in the C section.

#### **C(LEGAL)                      BUSINESS AND SUPPORT SERVICES**

Codes have been created, renamed, and reorganized to incorporate recent revisions to policies related to security personnel.

An additional code has been made available to community colleges that wish to adopt a policy on artificial intelligence.

#### **CAAB(LEGAL)                      STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

Revisions have been made to update the provisions in the U.S. Office of Management and Budget (OMB) Guidance for Federal Financial Assistance that relate to the U.S. Department of Health and Human Services in response to amendments to HHS rules.

#### **CAI(LEGAL)                      APPROPRIATIONS AND REVENUE SOURCES: AD VALOREM TAXES**

Revisions have been made at Dissemination of Tax Information to incorporate recently adopted Administrative Code provisions concerning Electronic Communications with tax officials.

Additional changes have been made for clarity.

#### **CAIC(LEGAL)                      AD VALOREM TAXES: SELECTION AND DUTIES OF CHIEF TAX OFFICIALS**

The list of Duties required for an Assessor has been expanded to include a requirement from HB 3273 to post a notice on the taxing unit's website informing property owners of certain information that may be found in the property tax database.

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#### **CG(LEGAL) SAFETY PROGRAM**

Language from this policy code has been moved to legal framework CGA, which now specifically addresses Safety and Security Audits. Codes have been reorganized to better incorporate updates to legal frameworks related to security personnel.

#### **CG(LOCAL) SAFETY PROGRAM**

Recommended revisions include the addition of guidelines and procedures for responding to disasters, fire safety and prevention programs, and safe instructional procedures and regulations to the list of areas of responsibility for an administrator developing a Comprehensive Safety Program. References have been added to policies that provide more information related to emergency response procedures and the community college's information security program.

#### **CGA(LEGAL) SAFETY PROGRAM: SAFETY AND SECURITY AUDITS**

Language from CG related to Safety and Security Audit and Disclosures has been moved to this legal framework, and language from this legal framework related to Asbestos-Related Activity has been moved to CHA consistent with the code reorganization.

#### **CGC(LEGAL) SAFETY PROGRAM: EMERGENCY PLANS AND ALERTS**

Cross references to other legal frameworks have been updated in response to the reorganization of policy codes.

#### **CGF(LOCAL) SAFETY PROGRAM: SECURITY PERSONNEL**

This new model language has been added to address the formation and operation of a College District Security Department composed of commissioned security officers.

This policy has been issued to the college because our records indicate that the college has a security department. We have available alternate versions of this policy that address peace officers and school marshals. If you would like to review the alternate language, please contact your policy consultant.

#### **CGFA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS**

Language from CHA has been moved to this legal framework, which covers Commissioned Peace Officers.

#### **CGFB(LEGAL) SECURITY PERSONNEL: SECURITY OFFICERS**

Language from CHA has been moved to this legal framework, which covers Security Officers. Language was also added beginning at Application of Occupations Code 1702 for clarity.

#### **CGFC(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS**

Language from CHA has been moved to this legal framework, which covers School Marshals. A requirement that a community college report to the Texas Commission on Law Enforcement (TCOLE) any indication that a person is no longer psychologically fit to serve as a school marshal has been added to reflect an amendment to the Administrative Code.

#### **CHA(LEGAL) SITE MANAGEMENT: INSPECTIONS**

Language from this legal framework has been moved to the appropriate new policy code to correspond with the reorganization of policies related to Security Personnel. Language from CG has been moved to this legal framework, which now covers Inspections.

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#### **CJA(LEGAL)                      TRANSPORTATION MANAGEMENT: MAINTENANCE OF VEHICLES**

Language was deleted from this legal framework in response to the repeal by HB 3297 of a statute addressing Inspections.

#### **CKD(LEGAL)                      INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE**

Revisions at Health Insurance Portability and Accountability Act (HIPAA) incorporate amendments to federal regulations addressing requirements related to mental health and substance use disorder benefits.

#### **CRA(LEGAL)                      TECHNOLOGY RESOURCES: WEBSITE POSTINGS**

The list of Required Internet Postings has been expanded to include at #20 notice of the property tax database as required by HB 3273.

The list has also incorporated the campus hazing transparency report required by the federal Stop Campus Hazing Act at #45.

Relevant Administrative Code citations have also been updated.

#### **DC(LEGAL)                      EMPLOYMENT PRACTICES**

At Existing Employee, revisions incorporate amendments to federal regulations permanently increasing the automatic extension period for expiring employment authorization documents.

#### **DEAB(LEGAL)                      COMPENSATION PLAN: WAGE AND HOUR LAWS**

This legal framework has been reverted to reflect the previous minimum salary threshold in response to a federal court ruling, *Texas v. U.S. Department of Labor*, No. 4:24-CV-499-SDJ, 2024 WL 4806268 (E.D. Tex. Nov. 15, 2024) (mem)., that vacated the U.S. Department of Labor's rule increasing salary thresholds.

#### **DIAB(LOCAL)                      FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: OTHER PROTECTED CHARACTERISTICS**

Language related to Retaliation has been updated and reorganized to clarify the scope and applicability of the prohibition on retaliation. The Examples have been revised to reference intimidation and coercion.

Language related to False Claims has been reorganized and updated to provide clarity regarding the distinction between prohibited retaliation and discipline for false claims and the applicability of the prohibition on false claims to students.

#### **EA(LEGAL)                      ACADEMIC YEAR AND CALENDAR**

Language has been removed to reflect Coordinating Board repeal of requirements relating to academic calendars.

#### **ECC(LEGAL)                      INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES**

Revisions have been made to this legal framework to reflect amendments to Coordinating Board rules related to the Limitation on the Number of Dropped Courses.

#### **ECC(LOCAL)                      INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES**

Recommended revisions reflect amendments to Coordinating Board rules for applying Exceptions to the limit of courses a student may drop and to allow Appeals. Additional changes have been made for clarity.

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#### **EFAB(LEGAL) INSTRUCTIONAL PROGRAMS AND COURSES: CAREER TECHNICAL/WORKFORCE COURSES**

Language was removed from this legal framework in response to the repeal of outdated Coordinating Board provisions addressing workforce education. Additional changes have been made for clarity.

#### **EFB(LEGAL) CURRICULUM DESIGN: DEGREES AND CERTIFICATES**

This legal framework has been revised to incorporate new Coordinating Board rules related to the approval of Self-Supporting Degree Programs and related Definitions.

#### **EFBA(LEGAL) DEGREES AND CERTIFICATES: ASSOCIATE DEGREES AND CERTIFICATES**

Language was removed from this legal framework in response to the repeal of outdated Coordinating Board provisions addressing Career Technical / Workforce Degree and Certificate Programs Under 19 Administrative Code Chapter 9. Related Definitions were also removed.

#### **EFBC(LEGAL) DEGREES AND CERTIFICATES: HIGH SCHOOL DEGREES**

Revisions have been made to reflect amendments to Coordinating Board rules for community colleges participating in the Opportunity High School Diploma Program.

#### **EFCB(LEGAL) SPECIAL PROGRAMS: ADULT EDUCATION AND LITERACY**

At Applicable Law, revisions incorporate the repeal and adoption of Administrative Code rules intended to govern the applicability of Education Code and Administrative Code requirements for open-enrollment charter schools to adult high school charter schools.

#### **EFCC(LEGAL) SPECIAL PROGRAMS: ELEMENTARY AND SECONDARY STUDENTS**

This legal framework has been revised in response to the repeal and adoption of Administrative Code requirements related to the applicability of Education Code and Administrative Code requirements for open-enrollment charter schools to community college charter schools.

#### **FD(LEGAL) TUITION AND FEES**

This legal framework has been updated to incorporate new Coordinating Board rules addressing the application of Nonresident Tuition rates to certain students.

#### **FEA(LEGAL) FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS**

Revisions expand federal financial aid information for clarity by incorporating recently amended federal regulations addressing federal Financial Aid Applications.

#### **FEB(LEGAL) FINANCING EDUCATION: WORK STUDY**

Language has been revised throughout this legal framework to reflect Coordinating Board amendments intended to provide clarity and consistency in the rules addressing the Texas College Work-Study Program.

#### **FFDB(LOCAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: OTHER PROTECTED CHARACTERISTICS**

Language related to Retaliation has been updated and reorganized to clarify the scope and applicability of the prohibition on retaliation. The Examples have been revised to reference intimidation and coercion.

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Language related to Failure to Report and False Claims has been updated and reorganized for clarity, including the addition of references to an employee's responsibility to comply with reporting requirements and the prohibition on intentional false claims and statements.

#### **FLBC(LEGAL)                      STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING**

At Statements of Policy on Hazing and Prevention and Awareness Programs and Dissemination of Hazing Information, language has been added to incorporate rules related to the Campus Hazing Transparency Report required by the federal Stop Campus Hazing Act.

Additional changes have been made for clarity.

#### **FLBC(LOCAL)                      STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING**

New recommended local policy language addresses campus hazing in response to the federal Stop Campus Hazing Act. Provisions have been added related to Hazing Prohibited, Reporting Procedures, Investigation of the Report, and Access to Policy, Procedures, and Related Materials.

#### **GCA(LEGAL)                      PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION**

A cross reference to a legal framework has been updated in response to reorganization of policy codes.

#### **GCB(LEGAL)                      PUBLIC INFORMATION PROGRAM: REQUESTS FOR INFORMATION**

Revisions have been made in response to the Office of the Attorney General's (OAG) adoption of amendments related to Required Electronic Submission of requests for an attorney general open records decision under the Public Information Act.

#### **GCC(LEGAL)                      PUBLIC INFORMATION PROGRAM: ANNUAL SECURITY REPORT**

In response to the federal Stop Campus Hazing Act, requirements that a community college provide certain statements of policies related to campus Hazing in its Annual Security Report, include hazing incidents among its Reported Crimes, and develop a Campus Hazing Transparency Report have been added. The name of the Jeanne Clery Campus Safety Act has also been updated at Clery Act Reporting.

#### **GG(LEGAL)                      RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES**

Revisions incorporate amended Coordinating Board requirements for Open-Enrollment Charter Schools to provide notification of a new property location to be considered a school district by a community college.

#### **GH(LEGAL)                      RELATIONS WITH SCHOOLS AND DISTRICTS**

Revisions reflect amendments to Administrative Code provisions regarding Student Eligibility for the FAST Program.

Language has been updated to reflect the repeal of Coordinating Board rules regarding Workforce Continuing Education.

Additionally, citations have been updated at Early College High Schools and P-TECH Programs to reflect the repeal and adoption of Administrative Code provisions.