



# UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

**TOPIC:** Review of LEGAL Policies in TASB Update 99

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

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** April 15, 2014

Review of LEGAL Policies in TASB Update 99.

See attached list.

# Explanatory Notes

## TASB Localized Policy Manual Update 99

District: United ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

**Please note:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to bills from the 83rd Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted. Throughout the explanatory notes, House Bill is abbreviated as HB and Senate Bill is abbreviated as SB.

A18 (INTRO) INTRODUCTION

We have revised the Introduction to the manual for clarification and to update the list of terms and abbreviations.

AG (LEGAL) HOME-RULE DISTRICTS

This legally referenced policy addressing the option to operate the district under a home-rule charter is recommended for inclusion in the district's policy manual. These existing statutory provisions explain the legal requirements to become a home-rule charter and applicable law once a home-rule charter is established.

AIA (LEGAL) ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

Revisions to this legally referenced material addressing accreditation are from HB 5:

- As a condition of ACCREDITATION, districts must now make Algebra II available to each high school student.
- At STUDENT ACHIEVEMENT INDICATORS, the definition of "required improvement" has been amended to refer to college readiness.
- QUALITY OF LEARNING INDICATORS must include the percentage of students who meet the requirements for the foundation high school program, the distinguished level of achievement under the foundation program, and each endorsement. For each campus, the indicators must also include the number of students, disaggregated by student populations, who take courses under the foundation program and take additional courses to earn an endorsement, disaggregated by type of endorsement.

AIC (LEGAL) ACCOUNTABILITY  
INVESTIGATIONS AND SANCTIONS

HB 5 requires a district that follows the recommendations from an ON-SITE INVESTIGATION to make reasonable efforts to seek assistance from a third party in developing an action plan for improving district performance.

The criteria for the Commissioner to authorize a SPECIAL ACCREDITATION INVESTIGATION were also revised as a result of the legislative session.

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- In accordance with SB 123, the list of criteria no longer imposes a mandatory obligation on the Commissioner to conduct an investigation. The Commissioner *may* (rather than *must*) do special accreditation investigations if a criterion is met.
- HB 5 deleted references to the Recommended High School Program and investigations based on excessive numbers of students graduating under the Minimum High School Program.
- HB 5 added new criteria regarding a disproportionate number of students in a demographic group or an excessive number of students graduating with a particular endorsement.
- The Commissioner may authorize an investigation if a complaint alleges inaccurate PEIMS or other data on which TEA bases accountability determinations, per SB 123.

BBFB      (LEGAL)      ETHICS  
   PROHIBITED PRACTICES

Beginning on page 6 at RESTRICTIONS ON PUBLIC SERVANTS – FEDERAL LAW, existing provisions have been added to this legally referenced material addressing prohibited practices. The first provision, at BRIBERY – GENERAL, prohibits a public official from accepting anything of value in return for being influenced in the performance of an official act, defrauding the U.S. government, or violating the person's official duties. The U.S. Supreme Court has held that this law applies to individuals who administer programs funded with federal money. The second provision, at BRIBERY – FEDERAL PROGRAMS, addresses recipients of funds under federal programs and prohibits district employees and officials from engaging in fraudulent activities or accepting bribes.

BJCB      (LEGAL)      SUPERINTENDENT  
   PROFESSIONAL DEVELOPMENT

This legally referenced policy addressing the superintendent's professional development is recommended for inclusion in the district's policy manual. These existing statutory provisions explain that the superintendent's participation in board team building sessions will represent one component of the superintendent's professional development.

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CCE (LEGAL) LOCAL REVENUE SOURCES  
ATHLETIC STADIUM AUTHORITY

This legally referenced policy addressing the creation of an athletic stadium authority is recommended for inclusion in the district's policy manual. These existing statutory provisions explain how the board establishes an authority and that the authority can issue revenue bonds for any of its purposes.

CCG (LEGAL) LOCAL REVENUE SOURCES  
AD VALOREM TAXES

HBs 97 and 709 amended provisions regarding the individuals eligible to pay taxes on a residence homestead through INSTALLMENT PAYMENTS. See page 8.

Beginning on page 10 at Section V, addressing exemptions, we have significantly reorganized and revised the text, including:

- Removing provisions addressing common school districts;
- Deleting provisions on an obsolete tax limitation;
- Updating provisions on PORTABILITY OF TAX CEILING;
- Adding existing statutory provisions regarding tax limitations for surviving spouses of deceased individuals who had qualified for an exemption based on age at SURVIVING SPOUSE OF PERSONS 65 OR OLDER;
- Adding an existing statutory provision allowing a partial year exemption for a 100 PERCENT DISABLED veteran;
- Adding a provision from HB 97 allowing partial exemption of a residence homestead donated to a disabled veteran by a charitable organization at PARTIALLY DISABLED WITH DONATED RESIDENCE;
- Adding a provision from SB 163 exempting the residence homestead of the surviving spouse of a military member killed in action at SURVIVING SPOUSE OF INDIVIDUAL KILLED IN ACTION;
- Adding an existing statutory provision allowing a DISABLED VETERAN a partial exemption for property, which can be, but is not required to be, a residence homestead; and
- Updating the OPTIONAL EXEMPTIONS.

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In addition to the above changes, we have added a table of contents and reordered several provisions.

CFB        (LEGAL)        ACCOUNTING  
   INVENTORIES

This legally referenced policy addressing inventories is recommended for inclusion in the district's policy manual. These existing provisions from the Administrative Code include the obligation for the district to maintain inventories of its assets in accordance with the TEA *Financial Accountability System Resource Guide*.

CG        (LEGAL)        BONDED EMPLOYEES AND OFFICERS

This legally referenced policy addressing bonding of employees and officers is recommended for inclusion in the district's policy manual. These existing statutory provisions explain the circumstances when district employees and officers are required to post bond.



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**DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST**

The Texas Constitution prohibits individuals from holding at the same time more than one civil office of emolument, with certain exceptions. An existing statutory provision, added at HOLDING CIVIL OFFICE on page 4, clarifies that state military service is not considered to be a civil office of emolument. Therefore, state military service would not disqualify an individual from employment at a school district during the period of military service.

**DEAA (LEGAL) COMPENSATION AND BENEFITS  
INCENTIVES AND STIPENDS**

HB 1751 repealed the District Awards for Teacher Excellence (DATE) program and created the Educator Excellence Innovation Program (EEIP), which is a competitive grant program for the purpose of systematically transforming educator quality and effectiveness. New Commissioner rules on the EEIP, effective November 18, 2013, address:

- District eligibility;
- The requirement to develop a local educator excellence innovation plan;
- Use of grant funds, which can include mentoring, evaluation systems, restructuring of the school day or year, alternative teacher compensation or retention systems, and incentives to reduce turnover; and
- Waiver requests for certain statutory requirements, which require approval by a majority of the educators employed at each campus for which the waiver is sought, along with other conditions listed in the policy.

**DK (LEGAL) ASSIGNMENT AND SCHEDULES**

Changes to this policy are a result of amendments to State Board for Educator Certification rules:

- Chapter 231 of the Texas Administrative Code includes the credentials appropriate for each ASSIGNMENT. As a result, we have deleted the note that referenced the previous Administrative Code chart.
- Significant detail has been added regarding EMERGENCY PERMITS, including the steps the superintendent must take to activate a permit, obtaining educator consent, the eligibility requirements for individuals, and the validity and renewal of permits.







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### EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Revised Commissioner's rules, effective February 13, 2014, resulted in changes to this legally referenced policy.

- For **STUDENTS ENROLLED BELOW HIGH SCHOOL LEVEL** who take a high school course with an applicable end-of-course (EOC) assessment, the assessment result shall be applied toward the student's high school assessment graduation requirements. See page 5.
- At **ASSESSMENT REQUIREMENTS FOR GRADUATION**, the rules clarify that a student must meet satisfactory performance on each required EOC assessment to receive a Texas diploma. However, the rules provide **EXCEPTIONS** for a student who was administered separate reading and writing EOC assessments under certain circumstances.
- The rules deleted a provision addressing students receiving **SPECIAL EDUCATION** services who are enrolled in a course for which there is no alternative version of the EOC assessment and a provision allowing a student to request to take an EOC when the student is not required to take an EOC assessment.
- On page 7, the rules prohibit an EOC assessment from being used for the purposes of **CREDIT BY EXAMINATION**.
- At **RETAKES**, the rules clarify that if a student must retake a course that he or she failed but for which the student achieved satisfactory performance on the EOC assessment, the student is not required to retake the assessment.

At **SUBSTITUTE ASSESSMENTS**, on page 6, we have added new Commissioner's rules, effective December 16, 2013. These rules explain when a student is eligible to use a substitute assessment in place of an EOC assessment required for graduation. A substitute assessment may be used in place of only one EOC assessment. After the student provides his or her score on a substitute assessment, the district must verify the results.

Text on exit-level assessments has been deleted, as students subject to these graduation testing requirements will graduate in 2014.

Revised Commissioner's rules, effective March 2, 2014, clarify that a district must notify each student's teacher in the tested subject of the student's test results. See **TO PARENTS, STUDENTS, AND TEACHERS** on page 8.

### FBA (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY SERVICE ANIMALS

Changes to this policy are from HB 489, which updated state law provisions regarding assistance animal access to public facilities to better correspond with the federal Americans with Disabilities Act rules regarding service animals.

As reflected on page 3, an **ASSISTANCE ANIMAL** may also be referred to as a service animal and is now limited to dogs. Specific statutory requirements regarding the trainer of an assistance animal in training have been deleted.

At **HARASSMENT AND HARM PROHIBITED**, an existing statutory definition of *harass* has been added to support existing provisions prohibiting harassment and other such activities against an assistance animal. Another new provision provides that a person is not entitled to ask about a service animal's qualifications or certifications for purposes of granting access to a public facility except as needed to determine the type of assistance provided by the animal.

The bill also amended the **PENALTIES** that may be assessed against a person who violates state law regarding assistance animal access.

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**GBA            (LEGAL)            PUBLIC INFORMATION PROGRAM  
ACCESS TO PUBLIC INFORMATION**

Changes to the definition of "public information" on page 1 are from SB 1368. Public information now includes information that is *written* or *produced* (in addition to collected, assembled, or maintained) under a law or ordinance or in connection with the transaction of official business:

- For a board that spends public money to write, produce, collect, assemble, or maintain the information; or
- By an individual officer or employee of a district in his or her official capacity if the information pertains to official business of the district.

The definition of public information also includes any electronic communication on any device if the communication is in connection with the transaction of official business. New definitions of "official business" and "in connection with the transaction of official business" and a list of the FORMS OF PUBLIC INFORMATION have been added.

A new provision from HB 2414 and SB 1297 on page 3 provides that if a board maintains an ONLINE MESSAGE BOARD, communications removed from the board must be maintained for six years and are public information.

Regarding public access to PERSONAL INFORMATION, HB 2961 prohibits a district from requiring an employee or former employee to choose whether to allow access to the employee's or former employee's social security number.

The date of birth of PEACE OFFICERS/SECURITY OFFICERS and certain other individuals is confidential in accordance with HB 1632. See page 4.

There are several changes to the list of INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE beginning on page 7:

- At item 2, a Texas Supreme Court case from 2010 explains the balancing test that will be applied to the disclosure of an employee's birth date;
- At item 12, a new provision from SB 1512 prohibits a district from releasing a sensitive crime scene image that is in the district's possession;
- At item 21, HB 1009 protects from disclosure the identity of a school marshal; and
- At item 34, HB 3357 expands the protections for records related to participants in the TRS retirement program.

**GKA            (LEGAL)            COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES**

A revision at TRESPASS on page 1 is to better track the statutory language, which provides that an *unauthorized* person who trespasses on school district grounds commits a misdemeanor.

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GNC        (LEGAL)        RELATIONS WITH EDUCATIONAL ENTITIES  
                                 COLLEGES AND UNIVERSITIES

At DROPOUT RECOVERY PROGRAM beginning on page 2, we have deleted obsolete text, including an effective date and provisions limiting district eligibility.