

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Era ISD

#### **AC(LEGAL) GEOGRAPHIC BOUNDARIES**

This legal policy has been revised to include additional Education Code provisions related to ways in which a district's geographic boundaries may change, such as by detachment, annexation, consolidation, and abolition.

#### **AF(LEGAL) INNOVATION DISTRICTS**

Amended Administrative Code rules, effective October 25, 2022, revised the list of Education Code sections and administrative rules from which a district of innovation may not be exempted. Changes include a requirement to provide TEA a link to the local innovation plan posted on the district's website. Previously, the rule required the district to provide TEA with a copy of the local innovation plan.

#### **AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS**

Changes reflect revised Administrative Code provisions regarding compliance investigations by TEA, effective October 26, 2022. Other changes are to better reflect legal sources.

#### **BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS**

Provisions regarding confidentiality of the email address and personal phone number of an election judge or clerk have been moved from GBA(LEGAL) to this code addressing elections.

#### **BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS**

An existing requirement to include the district's bullying prevention policy and procedures in the district improvement plan has been added to this policy.

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

The C section table of contents has been revised to add the new code CKED, Security Personnel: Other Security Arrangements. We have also added for future expansion new codes addressing facility standards at CSA (Safety and Security) and CSB (Gas and Pipelines).

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

Revisions are to better reflect legal sources.

#### **CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES**

Citations have been updated to reflect the repeal and replacement of an Administrative Code provision regarding the bond guarantee program, effective March 1, 2023. References to Administrative Code provisions regarding the instructional facilities allotment and existing debt allotment have been clarified.

#### **CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS**

This policy has been revised to reflect the increased homestead exemption of \$40,000 approved by voters on May 7, 2022.

#### **CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT**

We have added a note regarding the expiration of the Texas Economic Development Act on December 31, 2022, and the continued application of the law to limitations on appraised value in existence at that time.

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#### **CCGB(LOCAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT**

The Texas Economic Development Act expired on December 31, 2022. We recommend adding a note to this local policy regarding the expiration and continued application of the law to limitations on appraised value in existence at that time.

#### **CFB(LOCAL) ACCOUNTING: INVENTORIES**

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

#### **CH(LEGAL) PURCHASING AND ACQUISITION**

We have replaced the citation to a repealed Administrative Code rule regarding purchases of automated information systems with a citation to a new rule effective December 19, 2022.

#### **CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT**

We have replaced the citation to repealed Administrative Code provisions regarding public pool sanitation and safety with a citation to new provisions effective January 1, 2023.

#### **CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY**

New Administrative Code rules, effective February 2, 2023, have been added to address required warning signs regarding human trafficking.

#### **CLB(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE**

Changes reflect revisions to Administrative Code rules regarding integrated pest management, effective January 16, 2023.

#### **CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE**

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

#### **CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING**

An Administrative Code provision, effective June 7, 2022, has been added regarding purchasing technological equipment with the instructional materials and technology allotment.

#### **CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY**

Provisions have been added regarding the use of school bus warning signals.

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#### **CO(LEGAL) FOOD AND NUTRITION MANAGEMENT**

New Administrative Code provisions were adopted regarding appeals related to federal food and nutrition programs administered by the Texas Department of Agriculture. A reference to these provisions, effective November 27, 2022, has been added.

#### **CQ(LEGAL) TECHNOLOGY RESOURCES**

A reference to Administrative Code provisions regarding management of electronic transactions and signed records has been clarified.

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

The link to the Texas Department of State Health Services Guidelines for the Care of Students with Food Allergies has been updated.

#### **CRF(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE**

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CSA(LEGAL) FACILITY STANDARDS: SAFETY AND SECURITY**

The Commissioner of Education proposed new School Safety Requirements in the Commissioner's Rules Concerning School Facilities in November 2022. The public comment period closed December 12, 2022, but the rules are not yet finalized. The proposed rules require local policy provisions. Policy Service will include legal provisions in this new policy code and provide local policy provisions for consideration following publication of the final rules.

#### **CVA(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING**

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CVB(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS**

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS**

Changes have been made to better reflect legal sources and to delete obsolete provisions.

#### **DEA(LOCAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN**

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly*. Other revisions are recommended for clarification and consistency with policy style.

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The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

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

Changes have been made to better reflect legal sources.

#### **E(LLEGAL)                              INSTRUCTION**

The E section table of contents has been updated to add the new code EHBCA, which includes provisions addressing accelerated instruction previously located at EHBC. The subtitle for policy EHBC has been changed to Compensatory Services and Intensive Programs.

#### **EF(LLEGAL)                            INSTRUCTIONAL RESOURCES**

Legal definitions of "harmful materials" and "obscene" have been added for ease of access.

#### **EHAD(LLEGAL)                        BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION**

A reference to Administrative Code provisions has been added regarding driver education safety program requirements.

#### **EHBAB(LLEGAL)                        SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM**

Changes reflect revised Administrative Code provisions regarding students who are homeless or in substitute care, effective January 1, 2023.

#### **EHBAF(LLEGAL)                        SPECIAL EDUCATION: VIDEO/AUDIO MONITORING**

Revisions reflect amended Administrative Code provisions, effective January 22, 2023, pertaining to filing certain documents electronically.

#### **EHBC(LLEGAL)                            SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS**

Update 121 includes a reorganization of the information regarding compensatory, intensive, and accelerated instructional services. Provisions addressing accelerated instruction have been moved to the new code EHBCA. The remaining provisions at this code, now subtitled Compensatory Services and Intensive Programs, have been reordered and adjusted for clarity.

#### **EHBCA(LLEGAL)                        COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

This new policy addressing accelerated instruction comprises provisions moved from EHBC(LLEGAL). For clarity, we have reordered and adjusted the material.

#### **EBBH(LLEGAL)                        SPECIAL PROGRAMS: OTHER SPECIAL POPULATIONS**

An amended Administrative Code provision, effective January 18, 2023, has been added pertaining to regional day school programs for the deaf.

#### **EBHI(LLEGAL)                            SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION**

Changes reflect revisions to Administrative Code provisions, effective November 24, 2022, regarding essential program components of adult education programs.

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#### **EHBJ(LLEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS**

Changes include a new Administrative Code provision, effective February 26, 2023, regarding requests for approval of an innovative course by the State Board of Education.

#### **EI(LLEGAL) ACADEMIC ACHIEVEMENT**

This legal policy has been revised to replace a repealed Administrative Code rule with a new rule, effective January 1, 2023, related to awarding credit to students who are homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district. Other changes are to better reflect legal sources.

#### **EKB(LLEGAL) TESTING PROGRAMS: STATE ASSESSMENT**

Duplicative text regarding students who fail to perform satisfactorily on a state assessment instrument has been deleted and replaced with a note pointing to EHBC and EHBCA.

#### **FD(LLEGAL) ADMISSIONS**

The policy has been updated to delete an Administrative Code rule repealed by the State Board of Education, effective March 9, 2023.

#### **FD(LOCAL) ADMISSIONS**

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### **FDA(LLEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS**

This policy has been reorganized for clarity. Other changes are to better match statutory wording. Notes have been added to more clearly indicate the application of certain provisions.

#### **FDC(LLEGAL) ADMISSIONS: HOMELESS STUDENTS**

A note has been added to clarify that information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, is located at FFC.

#### **FEA(LLEGAL) ATTENDANCE: COMPULSORY ATTENDANCE**

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. A note has been added referring to the *Student Attendance Accounting Handbook* for additional guidance.

#### **FEB(LLEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING**

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. We have also added a note referring to the *Student Attendance Accounting Handbook* for additional guidance, as well as existing statutory provisions for completeness and clarification.

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#### **FFAF(LLEGAL) WELLNESS AND HEALTH SERVICES: CARE PLANS**

Links to the Texas Department of State Health Services' guidance for the care of students with diabetes and of students with food allergies have been updated.

#### **FFC(LLEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES**

Revisions throughout this policy reflect amended Administrative Code provisions, effective January 1, 2023, regarding transition assistance for students experiencing homelessness or in substitute care.

#### **FFI(LLEGAL) STUDENT WELFARE: FREEDOM FROM BULLYING**

A note has been added with a link to the [Minimum Standards for Bullying Prevention](#) finalized by TEA on January 31, 2023.

#### **FFI(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING**

The [Minimum Standards for Bullying Prevention](#), completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

#### **FL(LLEGAL) STUDENT RECORDS**

Provisions at Access, Disclosure, and Amendment, beginning on page 4, have been revised and reorganized for clarity and to better reflect legal sources. The definition of eligible student has been added. Additional reporting requirements under the National School Lunch Act or the Child Nutrition Act have also been added. A note has been added at the beginning of the policy to clarify that information regarding juvenile law enforcement records is located in GBA.

#### **G(LLEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS**

The G section table of contents has been revised to reflect the correct subtitle for GBA, Access to Public Information.

#### **GB(LLEGAL) PUBLIC INFORMATION PROGRAM**

Update 121 includes a reorganization of the public information policies in the GB series. As part of the reorganization, we have deleted provisions that are duplicated at other policy codes and adjusted provisions for clarity and to better match statutory wording.

#### **GBA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION**

As part of the reorganization of the public information policies, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary, to improve usability.
- Moved provisions regarding confidentiality based on statutes outside the Public Information Act (Government Code Chapter 552) to the policy code addressing the specific topic.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

#### **GBAA(LLEGAL) ACCESS TO PUBLIC INFORMATION: REQUESTS FOR INFORMATION**

As part of the reorganization of the GB series, we have made the following changes:

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- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

### **GRA(LLEGAL)**

### **RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES**

This policy has been revised to include an Education Code provision prohibiting citation of a student alleged to have committed a school offense. Family Code definitions have also been added to support existing content regarding students taken into custody.