

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

**State
Assessment and
Partnership
Charters**

The policy on state assessments, EKB(LEGAL), 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(LEGAL).

**Investigations
and Searches**

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

FNF(LOCAL) 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(LEGAL) 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(LEGAL). FODA(LEGAL) 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(LEGAL) 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>