

Vantage Points

A Board Member's Guide to Update 109

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 brief 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.

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.

For more information about Policy Service, visit our [website](#).

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.

© 2017 Texas Association of School Boards, Inc. All rights reserved.



Update 109 encompasses changes in law from the 85th Legislative Session that have an immediate effect on the governance and management of the district. Due to the large number of legal policies affected by legislation, this Vantage Points focuses on significant governance issues and legal provisions that are pertinent to local policy decision points. Several new board policies are required. See the district-specific Explanatory Notes for a more detailed description of the changes to each policy.

Throughout this document, House Bill is abbreviated as HB and Senate Bill as SB. For more information about the bills described below and other changes from the 85th Legislative Session, download the [2017 Legislative Summary for TASB Members](#) (PDF), available free from the online [TASB Store](#).

Governance	SB 1566 includes numerous governance-related revisions to the B Section of the policy manual.
Board Powers and Duties	At BAA(LLEGAL), the board’s powers and duties were revised to include board oversight of student academic achievement, allow the board to require certain staff to appear at a board hearing without superintendent interference, and permit the board to establish before- and after-school programs. See also BJA(LLEGAL).
Board Training	SB 1566 requires a board member to attend a three-hour training session on student academic performance and includes new reporting requirements for board member training deficiencies. See BBD(LLEGAL).
Board Self-Evaluation	SB 1566 requires the commissioner of education to develop a board self-evaluation tool. As reflected at BG(LLEGAL), a board may choose whether to use the commissioner-developed self-evaluation tool, unless the commissioner orders the board to use the tool. See also AIC(LLEGAL).
Board Authority	At BBE(LLEGAL), SB 1566 makes revisions in the area of board member authority.
Requests for Records	<ul style="list-style-type: none">■ A district must respond to a board member’s request for records within 20 business days, subject to some exceptions for unduly burdensome requests. If a district does not provide the records by the deadline, a board member may sue the district. Any awarded costs and fees must be paid from the budget of the superintendent’s office.
Visits to District Facilities	<ul style="list-style-type: none">■ In addition, a district must create a policy on board member visits to a district campus or facility.

BBE(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this policy address the new requirements described above and:

- Explain that the district shall respond to a board member's requests for records within the time frames required by law; and
- Require a board member to follow any posted requirements for visitors, and limit visits that interfere with the delivery of instruction or district operations.

Board Meetings

Multiple bills affected provisions on board meetings at BE(LEGAL) and BEC(LEGAL).

- SB 1440 revises the definition of a meeting to exclude the gathering of a quorum of board members at a candidate forum, appearance, or debate to inform the electorate—if formal action is not taken and any discussion of public business is incidental to the event.
- HB 3047 clarifies provisions on meetings by videoconference call, addressing loss of connection by a participating board member and the quality of audio and video signals for videoconference call meetings.
- HB 523 requires recording of a work session or special called meeting in a district with a student enrollment of 10,000 or more if the board votes on any matter or allows public comment or testimony.
- SB 564 provides a new closed-meeting exception to deliberate security assessments or deployments relating to information resources technology; network security information; or the deployment or specific occasions for implementation of security personnel, critical infrastructure, or security devices.

Investments

CDA(LEGAL), the policy on investments, was affected by several bills. In addition to various changes regarding authorized investments and new definitions (from HBs 1003, 1701, 2647, and 2928), the policy incorporates changes from HB 1701 addressing documents supplied by business organizations who engage in investment transactions with a district and explains that the district has ultimate responsibility to ensure that investments are in compliance with the district's investment policy.

CDA(LOCAL) POLICY CONSIDERATIONS

A recommended revision to CDA(LOCAL) is to align with changes from HB 1701, which requires a business organization, as defined by law, that engages in investment transactions with a district to provide the district the documents required by law.

Food Service

Two bills affected policy CO(LEGAL), regarding food services management.

- SB 1566 now requires the board, rather than the administration, to establish the length of the grace period during which a student whose meal card or account balance is exhausted can continue to purchase meals.
- In accordance with SB 725, a district may donate food to a nonprofit organization through an official of the nonprofit organization directly affiliated with the campus, and the district may adopt a policy for the district to provide food at no cost to students who are unable to purchase meals or a snack.

CO(LOCAL) POLICY CONSIDERATIONS

Because SB 1566 now requires the board to establish the length of the grace period during which a student whose meal card or account balance is exhausted can continue to purchase meals, the policy text includes a specific grace-period recommendation for board adoption. **Please confirm that the grace period stated in the policy matches your district's practice.**

New policy provisions are recommended to address U.S. Department of Agriculture (USDA) policy requirements for students who have insufficient funds to purchase a meal. Although the USDA does not require board approval of the meal-charge policy, the recommended policy text will ensure development of district-level procedures, as required by law. These procedures will come into play after a student has exhausted the state law-required grace period for unpaid meal cards or accounts, if applicable.

Other recommended text authorizes the superintendent to develop regulations for campuses to donate food as permitted by SB 725.

Personnel

Termination of Employment

At DF(LEGAL), SB 7 revised the criminal offenses for which the district, upon notification that the State Board for Educator Certification (SBEC) has revoked an employee's certificate, must take immediate action to terminate employment. A board may delegate to a designee the authority to take certain termination actions without board action when a contract employee has engaged in this serious criminal conduct.

DF(LOCAL) POLICY CONSIDERATIONS

As permitted by SB 7, policy provisions included for consideration designate the superintendent as the board's designee to take certain termination actions without board action when a contract employee has engaged in serious criminal conduct. This delegation would allow a faster response in these situations. **Please confirm that the board wishes to identify a designee through board policy and, if so, the position listed.**

Employee Standards of Conduct

Several bills affected policy provisions at DH(LEGAL) on employee standards of conduct, including:

- SB 7, which requires a policy on electronic communications with students. The policy must be designed to prevent improper electronic communications, allow an employee to elect not to disclose to students a personal telephone number or e-mail address, and include information about how an employee should notify administrators when a student engages in improper communications with the employee.
- SB 1566, which provides that a district may not prohibit an employee with a handgun license from transporting or storing a handgun, firearm, or ammunition that is not in plain view in a locked vehicle in a district parking area.

DH(LOCAL) POLICY CONSIDERATIONS

As a result of SB 1566 above, recommended revisions to this local policy clarify that a district may not prohibit an employee with a handgun license from storing an unloaded gun that is not in plain view in a locked vehicle.

Based on SB 7, changes addressing electronic communications clarify when an employee may use personal electronic platforms, applications, or accounts with students; emphasize that electronic communications must comply with the Educators' Code of Ethics, applicable to all district employees; and specify there is no expectation of privacy in communications

with students. Additional provisions require an employee to report improper electronic communications by a student and allow employees to choose whether to disclose to students personal e-mail addresses or phone numbers.

Also prompted by SB 7 is an acknowledgment that the district will notify a student's parent if an educator has engaged in certain misconduct with the student. See Parental Notice of Educator Misconduct, below.

A change in terminology from "illegal knife" to "location-restricted knife" is based on HB 1935.

Further, the required Notice of Drug-free Workplace provisions, previously in a separate exhibit, are now included in the policy.

Safety

Polling Places

HB 332 addresses polling place security and requires a district to include in its multi-hazard emergency operations plan (EOP) a policy for district property used as a polling place. The board may consult with local law enforcement but is not required to obtain or contract for the presence of law enforcement to secure a polling place. See CKC(LEGAL).

CKC(LOCAL) POLICY CONSIDERATIONS

New text recommended at this policy addresses the HB 332 requirement to include in the district's EOP a "policy" addressing security of district property used as a polling place. The policy text refers to these "procedures" being included in the EOP, as EOPs are not typically board adopted.

Cameras in Special Education Classrooms

Numerous changes to the law on video cameras in special education classrooms, addressed at EHBAF(LEGAL), are from SB 1398. Significant changes:

- Clarify that requests by a parent or staff member only require cameras in the classroom in which the parent's child is in regular attendance or to which the staff member is assigned;
- Remove an individual trustee's right to make a request;
- Require each district to appoint an administrative coordinator;
- Add procedures for handling requests and for discontinuing operation of a camera during the school year, and clarify confidentiality provisions;

- Shorten the retention period for recordings to three months; and
- Revise requirements for board policy that include deadlines for responding to a request and for beginning operation of a camera after a request, address requests and operation of cameras for the following school year, and include appeal information on the new expedited TEA review process.

EHBAF(LOCAL) POLICY CONSIDERATIONS

In accordance with the changes from SB 1398 above, recommended revisions to this local policy include:

- Identification of the superintendent as the administrator coordinator;
- New provisions on parent requests for cameras for the following school year;
- For current-year requests, a reference to the new procedures in law;
- The new deadline to respond to a request within seven business days;
- Reference to the time frames in law for installation and operation of cameras and details regarding when cameras may be discontinued during the school year;
- Additional details on retention and confidentiality of recordings; and
- A new provision referring to an appeal to the commissioner.

Parental Notice of Educator Misconduct

SB 7 requires a board to adopt a policy providing for notification to the parent of a student with whom an educator allegedly engaged in abuse or otherwise committed an unlawful act or with whom the educator was involved in a romantic relationship or solicited or engaged in sexual contact. See FFF(LEGAL).

FFF(LOCAL) POLICY CONSIDERATIONS

This local policy is recommended for inclusion in the district’s policy manual to comply with the SB 7 policy requirements above. The local policy requires the district to notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct:

- As soon as feasible, that the alleged misconduct may have occurred;
- Whether the educator was terminated or resigned; and
- Whether the district submitted a report to SBEC.

The recommended policy defines misconduct and includes cross-references to FFG for child abuse reporting requirements and to FFH for parental notification requirements if the misconduct meets the definition of prohibited conduct.

Student Issues

Transportation Allotment

At CNA(LEGAL), SB 195 expanded the reasons for which a district may apply for an additional transportation allotment for students residing within two miles of a campus. Factors now include areas presenting a high risk of violence, in addition to the existing factor of hazardous traffic conditions.

CNA(LOCAL) POLICY CONSIDERATIONS

Revisions to this local policy are to address SB 195 and to meet TEA requirements when a district applies for additional transportation funding for students residing within two miles of a campus. If the district applies for additional transportation funding based on either or both factors described above, the board must adopt an appropriate resolution describing the areas.

Attendance

A new excused absence for compulsory attendance, added by SB 1152 and incorporated at FEA(LEGAL), requires a district to excuse a student who is 17 years of age or older from attending school for no more than four days to pursue military enlistment. The district must adopt policy and procedures to verify the student's activities.

FEA(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy on compulsory attendance are to satisfy SB 1152, requiring a district policy to excuse a student who is 17 years of age or older to pursue military enlistment.

Lice

Provisions from SB 1566, which requires notice to parents regarding lice, have been added at FFAA(LEGAL). A board must adopt a policy requiring an elementary school nurse who becomes aware that a student has lice to provide written or electronic notice to the parent of the child with lice within 48 hours and to the parent of each child assigned to the same classroom as the child with lice within five school days. The notice to parents of a child assigned to the same classroom may not identify the child with lice.

FFAA(LOCAL) POLICY CONSIDERATIONS

Pursuant to SB 1566, recommended revisions to this local policy require notification to parents of elementary students about lice within the deadlines established by law.

If the district had text about UIL participation, it has been streamlined to refer to the UIL guidelines on physical examinations.

Mental Health Supports

Two bills affected FFB(LEGAL), addressing crisis intervention.

- HB 4056 and SB 179 added various mental health subject areas to the list of recommended best-practice programs and research-based practices that a district may implement. New topics include skills for managing emotions, maintaining positive relationships, and responsible decision making; grief and trauma affecting student learning; positive behavioral interventions and supports; and school climate.
- SB 179 also clarifies that local practices and procedures on the listed subject areas do not need to be in board-adopted policy.

Bullying

SB 179, also known as “David’s Law,” prompted significant revisions to the laws on bullying reflected at FFI(LEGAL), including:

- Clarification and expansion of the definition of bullying, which includes cyberbullying, and provisions explaining the applicability of the definition;
- Revisions regarding what must be included in the required board-adopted policy, including procedures for a student to anonymously report bullying and notice of a bullying incident to parents of the alleged victim and the alleged bully within the specified deadlines; and
- Authorization for a district to develop a district-wide policy to assist in prevention and mediation of bullying incidents that interfere with a student’s educational opportunities or substantially disrupt orderly school operations.

FFI(LOCAL) POLICY CONSIDERATIONS

Changes in state law from SB 179 prompted several recommended revisions to this local policy on student bullying, including:

- In the examples, emphasis that bullying can occur through electronic means in accordance with the statutory definition;
- New provisions addressing anonymous reporting procedures for students;
- New provisions requiring parental notification of bullying allegations; and
- Acknowledgment that the district may notify law enforcement in certain circumstances.

In addition, the explanation of prohibited conduct has been aligned with the definition of that term in FFH(LOCAL) to include "sex."

Public Information Program

Changes at GBAA(LEGAL), regarding public information, are from HB 3107.

- The bill allows a board to establish reasonable yearly and monthly limits on the personnel time spent to produce public information for a requestor—after which the district may begin charging the requestor for the time. A yearly time limit may not be less than 36 hours; a monthly time limit may not be less than 15 hours.
- The bill also addresses when a Public Information Act request may be considered withdrawn and how to treat multiple requests in a day from an individual.

GBAA(LOCAL) POLICY CONSIDERATIONS

As reflected in the recommended revisions to this policy, in addition to the 36-hour yearly limit on personnel time, the policy establishes a monthly limit of not less than 15 hours on personnel time, after which the district shall begin charging for personnel time.

Community Relations

Conduct on School Premises

Several bills affected GKA(LEGAL), regarding conduct on school premises.

- New provisions from SB 1553 allow a school administrator, school resource officer, or district peace officer to eject an individual from, or refuse an individual entry to, property subject to the district's control if the individual refuses to leave peaceably upon request and the person poses a substantial risk of harm to a person or continues to behave in an inappropriate manner after a verbal warning.

- SB 1566 provides that a district may not prohibit a person with a handgun license from transporting or storing a handgun, firearm, or ammunition that is not in plain view in a locked vehicle in a district parking area.
- Other revisions address volunteer emergency personnel (HB 435) and a new criminal offense for threatening to exhibit or use a firearm on school property or a school bus when the person does not actually possess a firearm (HB 2880).

GKA(LOCAL) POLICY CONSIDERATIONS

Recommended text has been added to this policy to address SB 1553 provisions regarding refusing entry to or ejecting a person from property under the district's control, along with clarification that district personnel may request assistance from law enforcement in an emergency or when a person is engaging in criminal conduct.

Another recommended revision clarifies that an individual with a handgun license who stores an unloaded handgun not in plain view in a locked vehicle is not in violation of the district's policy prohibiting unlawful possession of a firearm on district property.

Visitors

Several bills affected GKC(LEGAL), regarding visitors.

- SB 1553 requires a sex offender to provide notice to the campus administrative office upon entering the premises during standard operating hours. The administration may chaperone the offender while on campus or may enter into a written agreement with the sex offender, exempting the offender from the notice requirements.
- HB 1111 addresses municipal ordinances prohibiting persons who have committed a sexual offense with a child victim to be within a specified distance of a child safety zone, with exceptions.
- As added by SB 1843, a district must provide students in grades 10–12 the opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter.

GKC(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this policy regarding visitors are to reflect that board member visits to district facilities are now addressed at BBE(LOCAL). Revisions also better align text addressing registered sex offenders on campus with statutory provisions.

Patriotic Societies

As added at GKE(LEGAL), SB 1566 requires a board to adopt a policy that allows a principal to provide an opportunity for patriotic society representatives to speak to students during school hours about membership benefits. The policy shall give a principal complete discretion over the specific date and time, except that the policy shall allow the principal to limit the opportunity to a single school day and any presentation made to students to ten minutes in length.

GKE(LOCAL) POLICY CONSIDERATIONS

To comply with the provisions of SB 1566 above, this local policy is recommended for inclusion in the district's policy manual.