

Vantage Points

A Board Member's Guide to Update 100

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 thumbnail 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.**



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 advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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 further information about Policy Service, check out our website at <http://policy.tasb.org>.

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Among the topics addressed at Update 100 are performance reporting, district- and campus-improvement plans, security personnel, instructional materials allotments, records management, employee health insurance, district employment practices, staff development, credit-by-examination, revocation of student transfers, and public information.

Performance Reporting

Provisions at AIB(LLEGAL) have been revised to reflect the new Texas Academic Performance Report (TAPR), which replaced the Academic Excellence Indicator System (AEIS) report. The policy also incorporates the amended Commissioner's rules outlining timelines for a public hearing on the TAPR and requiring the report to be published on the district's website and in other public places. Details from existing Commissioner's rules regarding school report cards (SRCs), including timelines for distributing the report to parents, and a new provision from the amended rules permitting the district to send the SRC to parents by e-mail, have also been added to this legally referenced policy.

District/Campus Improvement Plans

Changes from the 83rd Texas Legislature, Regular Session, require the Commissioner of Education to develop an online survey on teaching and learning conditions to be administered biennially to district professional staff. As noted at BQA(LLEGAL) and BQB(LLEGAL) and beginning with the 2014–15 school year, each district- and campus-level planning and decision-making committee must use the results of the survey to review and revise the district- and campus-level improvement plans and, as otherwise appropriate, to enhance the learning environment. Note that if your district committee functions as a single district/campus committee, only BQA(LLEGAL) is included in the Update packet.

Security Personnel

CKE(LLEGAL), addressing security personnel, has been reorganized and revised to better reflect statutory text and is recommended for inclusion in all districts' policy manuals to reflect common security options available to school districts. The policy is organized into four major sections and includes existing provisions on district peace officers and security personnel; new provisions on school marshals from the 83rd Texas Legislature, Regular Session; provisions regarding concealed handgun licensees, including a new attorney general decision on authorizing individuals to carry firearms on district property; and existing statutory provisions on school resource officers.

Not revised at Update 100 but also recommended for inclusion in all districts' localized policy manuals is DEB(LLEGAL) addressing fringe benefits and including the legal requirements applicable upon the death of a peace officer employed by a district. This legally referenced policy is recommended as a reference since all districts have the option of commissioning peace officers.

CKE(LOCAL) POLICY CONSIDERATIONS

This local policy on security personnel may be recommended for inclusion or for revision in your district's policy manual based on the district's responses to a survey sent by TASB Policy Service in early June. Note, however, that if the board has not authorized the formation of a police department or if the district does not have an arrangement with a local law enforcement agency for the presence of school resource officers on district property, no local policy is recommended at this time. If the board has authorized certain individuals to carry concealed handguns on district premises, this information should be included at CKC(LOCAL).

FL(LOCAL) POLICY CONSIDERATIONS

Recommended revisions at FL(LOCAL) clarify that a district's school resource officers, if any, are considered "school officials" for purposes of FERPA and are allowed access to student records if they have a legitimate educational interest in the records. Even if the district does not currently have school resource officers, this revision is recommended to accommodate any future arrangements.

**Concealed
Handgun
License
Holders**

The recent attorney general opinion regarding concealed handgun licensees incorporated at CKE(LEGAL) is also reflected at GKA(LEGAL), addressing conduct on school premises. The opinion provides that a concealed handgun license holder does not commit a criminal offense by carrying a handgun at an interscholastic event or a board meeting if the holder is lawfully carrying a handgun pursuant to the board's written regulations and authorization.

**District
Operations
Instructional
Materials**

Revisions at CMD(LEGAL) were prompted by amended Commissioner's rules regarding the instructional materials allotment (IMA) and include additional detail regarding the option for a district to requisition and receive instructional materials before IMA funds are available, as well as other provisions concerning the mechanics of IMA funding and reimbursement.

**Records
Management**

At CPC(LEGAL), existing statutory provisions have been added explaining that a board must designate a records management officer (RMO) for the district and file the RMO's name, office, or position with the Texas State Library and Archives Commission within 30 days.

**Health
Insurance**

CRD(LEGAL) has been extensively reworked in light of the Affordable Care Act. Text has been streamlined throughout and adjusted to better match statutory authority, while definitions of full-time and part-time employees have been revised to help districts determine employee eligibility for participation in TRS-ActiveCare.

CRD(LOCAL) POLICY CONSIDERATIONS

Recommended deletions at this code provide flexibility for the district to determine contributions to health insurance premiums based on factors other than part-time or full-time status, as previously indicated in the policy. For example, the district could consider TRS membership in setting contributions. This change is more consistent with state law, which requires districts to contribute to the health insurance premiums of only those employees who are active, contributing TRS members.

**Employee
Issues**

**Employment
Practices**

DC(LOCAL) SERIES POLICY CONSIDERATIONS

A primary objective of Update 100 is to ensure districts' local policies align with their current employment practices. Local policy recommendations in this series of policies reflect the district's responses to the survey sent by TASB Policy Service in June and affect, as applicable, DCB(LOCAL) regarding term contracts, DCC(LOCAL) on continuing contracts, DCD(LOCAL) regarding at-will employment, and DCE(LOCAL) addressing non-Chapter 21 contracts. For specific changes to your district's policies, see the Update 100 Explanatory Notes.

**Staff
Development**

Statutory changes from the 2011 82nd Texas Legislature—which were delayed pending development of the new principal appraisal system that TEA will pilot in the 2014–15 school year—are now reflected at DMA(LEGAL), where provisions on staff development have been reorganized to better track statute and to include separate development requirements for educators and principals. As a result of the 2013 83rd Texas Legislature, Regular Session, provisions on required professional development for adult education staff have been deleted from the policy, since the administration and oversight of adult education and literacy programs has now transferred from TEA to the Texas Workforce Commission.

Instruction and Student Issues

Credit by Examination

As reflected at EHDB(LEGAL), amended State Board rules on credit by examination with prior instruction specify that tests given to students for the purpose of receiving credit for a subject in which a student has received prior instruction must be approved by the board.

Automatic Admissions

Changes at EIC(LEGAL) on class rank address how the new foundation graduation program will affect requirements for automatic admission to an institution of higher education.

Interdistrict Student Transfers

FDA(LOCAL) POLICY CONSIDERATIONS

For districts that approve interdistrict transfers, recommended revisions to this local policy are based on a recent Commissioner decision that determined that, under the Texas Education Code, interdistrict transfers must be for a period of one year. As a result, text permitting the district to revoke transfers mid-year for violations of the district's rules and regulations has been deleted, while new text provides that the district may take into account a transfer student's conduct in approving a transfer for the following school year.

Public Information

A new legally referenced policy at GB(LEGAL), containing provisions formerly at GBA(LEGAL), details the scope of public information and serves as an introduction to the series of policies addressing public information.

GBA(LEGAL), addressing access to public information, has been revised and reorganized. Several provisions addressing the scope of public information were moved to GB(LEGAL) and the remaining text, along with additional existing statutory provisions, was reorganized into three sections addressing right of access, confidential information under the Public Information Act (PIA), and information excepted from disclosure under the PIA.

GBAA(LOCAL) POLICY CONSIDERATIONS

With some exception, state law allows districts to charge requestors for district personnel time spent responding to the requestor's public information requests after the personnel time exceeds a specified amount established by the district, which may not be less than 36 hours. For districts that did not already have a local policy at this code, we recommend inclusion of this policy in your local policy manual to provide that the district will charge requestors for personnel time in accordance with this policy.

Advertising

GKB(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy addressing advertising in schools expand the standards for accepting or rejecting advertising under district consideration and state that acceptance of advertising does not constitute district endorsement or approval. The policy explains that advertising is for the purpose of generating revenue, not establishing a forum for communication. Although requests for advertising must be considered in a manner consistent with the First Amendment, the district maintains control over the size and location of advertising and may reject advertising that is inconsistent with law, board policy, regulations, or curriculum or that has a reasonable likelihood of exposing the district to controversy, litigation, or disruption.

More Information

For further information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district’s policies—and the policies themselves, found in your district’s localized update packet.