

# Update 118 Local Policy Overview

October 4, 2021

## Introduction

Hello, and welcome to a brief overview of the local policy recommendations included in Update 118, presented by TASB Policy Service.

Update 118 mostly covers recommended (LOCAL) policy revisions to address new laws enacted from the 87th Legislature, Regular Session, which ended on May 31, 2021, and changes to TEA's *Financial Accountability System Resource Guide*.

The 87th Legislature, Second Called Session ended after we began development of Update 118. We plan to include policy recommendations resulting from the Special Sessions in Update 119, scheduled for release in mid-2022.

While not covered in this publication, many of the (LEGAL) policies included in this update were also affected by legislation from the 87th Legislature, Regular Session and changes to Administrative Code rules.

## TASB Numbered Update Reminders

You should also review your own district's customized Update 118 materials for your specific policy recommendations. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

## CFD: Accounting, Activity Funds Management

CFD(LOCAL) is the policy that governs activity funds management. Revisions to this policy are recommended to align with recently adopted amendments to the *Financial Accountability System Resource Guide*. Changes have been made to the policy to clarify that student activity funds are those monies raised and collected by student clubs and organizations. Approval for spending those funds lies with the student club or organization, while the principal and sponsor are responsible for managing disbursement.

## CQB: Technology Resources, Cybersecurity

Several bills, including [House Bill 1118](#) and [Senate Bill 1267](#), resulted in revisions to CQB(LOCAL), on cybersecurity training.

The requirement for most employees and board members to complete cybersecurity training annually has been eliminated. Now, only the district's cybersecurity coordinator is required by law to receive this training on an annual basis, though the superintendent may require additional employees to complete the training on a schedule determined by the district. In accordance with the policy, the superintendent still determines the training program and is now authorized to impose consequences if an employee required to complete the training fails to do so.

Another revision to this policy was prompted by Senate Bill 1696. In the event of a breach involving student information, it is no longer required that the cybersecurity coordinator be the individual to make the report to TEA and other entities. The new law only requires that the district make the notification, which could now be done by any appropriate employee.

### **DFE: Termination of Employment, Resignation**

The revisions recommended to DFE(LOCAL) are guided by a recent TEA commissioner of education proposal for decision. The proposal for decision addresses who has the authority to accept the resignation of a contract employee. As provided in current law, a contract employee's resignation that is effective at the end of the school year must be filed with the board or the board's designee. For most districts, the board's designee named in DFE(LOCAL) is the superintendent, but be sure to check your policy.

A board's designee may not further delegate the authority to receive these resignations to another individual. Only the board can designate another employee or additional employees to accept these resignations.

To clarify this requirement, DFE(LOCAL) has been revised to give the superintendent, or other person designated by board action, the authority to accept these resignations from contract employees. The board can designate additional employees through board resolution. A sample resolution is available in the *TASB Regulations Resource Manual*.

If a contract employee provides a resignation to a supervisor not designated by the board to accept that resignation, new policy language requires the supervisor to instruct the employee to submit the resignation to the superintendent or other person designated by board action.

Because the proposal for decision only addressed the acceptance of resignations for contract employees, the superintendent may continue to designate other administrators to accept resignations of at-will employees.

## **DP: Personnel Positions**

Senate Bill 179 requires a school board to adopt policy requiring a school counselor to spend at least 80 percent of total work time on duties that are components of a comprehensive school counseling program. The policy must also provide a specific process if the board determines that district or campus staffing needs prevent a school counselor from spending at least 80 percent of work time on school counseling program components.

The recommended policy text at DP(LOCAL) is drafted to permit the administration, rather than the board, to make the initial determination about the counselor's job duties. If the board approves that determination, the board will direct the superintendent to develop a revised job description for the counselor that will address the requirements in law.

The other revision to this policy is recommended to streamline the list of principal qualifications. We recommend referencing the principal's job description for the minimum number of years required as a classroom teacher and removing that detail from this policy. Districts should review their job description for principals to ensure it reflects the minimum number of years required as a classroom teacher.

## **EHAA: Basic Instructional Program, Required Instruction**

New provisions in EHAA(LOCAL) are recommended to address requirements regarding board adoption of human sexuality curriculum materials. House Bill 1525 requires that a district adopt a policy to address this process. The recommended policy follows the steps required in the new law. These steps include board adoption of a resolution to convene the school health advisory council (the SHAC) and require the council to hold public meetings on the curriculum materials before presenting recommendations to the board at a public meeting. The policy also states that the SHAC recommendations must comply with law. After confirmation that the recommendations meet the standards in the law, the board is required to take a record vote on the SHAC recommendations.

## **EHBC: Special Programs, Compensatory/Accelerated Services FL: Student Records**

Recommended changes to EHBC(LOCAL) include new provisions on accelerated instruction and accelerated learning committees prompted by House Bill 4545. The accelerated learning committees will be responsible for developing education plans for students who had an unsatisfactory performance on a 3rd, 5th, or 8th grade math or reading assessment.

The policy text directs parents to the district's grievance policy, FNG(LOCAL), for complaints about an education plan developed by the accelerated learning committee. The policy also explains that parental requests for a student to be assigned to a particular teacher following an unsatisfactory performance on a 3rd, 5th, or 8th grade math or reading assessment will be handled in accordance with administrative procedures.

At FL(LOCAL), the list of the types of education records has been updated to refer to accelerated learning committees.

### **EIE: Academic Achievement, Retention and Promotion**

As a result of House Bill 4545, outdated provisions on grade advancement testing have been removed from EIE(LOCAL). Text regarding accelerated instruction is now addressed in policy EHBC.

Other changes to this policy include the removal of text regarding the assignment of retained students, which was based on Administrative Code rules addressing grade advancement testing.

Many districts' policies included a statement about eliminating the practice of retaining students. This statement is only needed if a district operates an optional extended year program under Education Code 29.082. Therefore, it is recommended for deletion from policy. If your district operates such a program, please contact your policy consultant so they can assist in updating this policy.

### **FDE: Admissions, School Safety Transfers**

House Bill 375 amended the offense of continuous sexual abuse of a young child to include continuous sexual abuse of a disabled individual. The section of policy FDE(LOCAL) addressing the collection of safe school data has been revised to align with this change in the law.

### **FEA: Attendance, Compulsory Attendance**

Included in policy FEA(LOCAL) is a provision permitting a student who is at least 15 years old to be absent for one day to obtain a learner license and for one day to obtain a driver's license. Senate Bill 289 created this optional excused absence. If the district will not permit excused absences for this purpose, please contact your district's policy consultant to adjust this policy.

Given the number of optional excused absences now listed in this policy, the various references about providing verification of these absences have been consolidated into a single statement.

## **FEC: Attendance, Attendance for Credit**

House Bill 699 created an exception to the 90 percent attendance requirement for absences resulting from a serious or life-threatening illness or related treatment. To reflect this exception, recommended text has been included at FEC(LOCAL).

In addition, the policy has undergone significant reorganization and revision to remove administrative details on documenting student illnesses, which can be addressed in the student handbook. Changes have also been made to place an emphasis on a student's mastery of the essential knowledge and skills and maintaining a passing grade rather than assigning a student to attend programs for an amount of time equivalent to the student's absences.

## **FFG: Student Welfare, Child Abuse and Neglect**

Recommended revisions to FFG(LOCAL) incorporate House Bill 3379, which changed the standard of reporting child abuse or neglect from "cause to believe" to "reasonable cause to believe."

For further clarification, a reference to the definition of a person responsible for the care, custody, or welfare of a child is also recommended for inclusion in the policy.

Lastly, in anticipation of the new professional development policy that must be in place by August 2022, a reference to district policy has been added to the section that addresses training for employees on preventing and recognizing sexual abuse, trafficking, and all other maltreatment of children.

## **Thank You!**

That covers the local policies in Update 118. We hope you find this overview helpful. Should you have any questions or want further clarification, please feel free to contact your assigned policy consultant at the TASB Policy Service website.<sup>1</sup>

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<sup>1</sup> TASB Policy Service: <https://policy.tasb.org>