

AGENDA ITEM  
BOARD OF TRUSTEES  
AGENDA

<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special
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- (A)  Report Only  Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation.

- (B)  Action Item

GILBERTO GONZALEZ, SUPERINTENDENT

Presenter(s): JESUS ARTURO COSTILLA, EXEC. DIRECTOR OF HUMAN RESOURCES

Briefly describe the action required.

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE POLICY UPDATE 104 AS RECEIVED FROM THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB).

- (C) Funding source: Identify the source of funds if any are required.

- (D) Clarification: Explain any questions or issues that might be raised regarding this item.



## Localized Policy Manual

# Update 104

Please remember: Log in to [my.tasb.org](http://my.tasb.org) and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

### Eagle Pass ISD

Update 104 represents the second of two post-legislative updates, focusing primarily on amendments to the Administrative Code as a result of recent legislation. Update 104 is considerably smaller than Update 103, which included the bulk of the changes from the 84th Legislative Session. Major topics in Update 104 include taxes, financial reports and audits, reports to SBEC, video and audio recording in special education settings, partial credit requirements for students who are homeless or in foster care, credit-by-exam requirements for homeless students, substitutes for state assessments, and wellness policy requirements. Several of the local policy recommendations address new local policy requirements included in the 2015–16 TEA *Student Attendance Accounting Handbook*, including homebound instruction and residency and admissions. Other local policy recommendations address equal educational opportunities for students and student discrimination and harassment.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 104 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

*Vantage Points—A Board Member's Guide to Update 104* may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 104 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Sarah Gutierrez, at 800-580-7529 or 512-467-0222.

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## Regarding board action on Update 104 . . .

- Board action on Localized Update 104 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 104, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 104, affecting (LOCAL) policies” as the agenda item and, as agenda subitems, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 104 is as follows:  
*“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 104 [with the following changes:]”*
- The board’s action on Localized Update 104 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library at <https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx>.

## Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. You will need to notify us of the board’s action on Update 104 so that your district’s Localized Policy Manual as it appears on TASB’s web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 104 Adoption Notification Form enclosed), by e-mail ([pol-support@tasb.org](mailto:pol-support@tasb.org)), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 104 policy changes should be inspected and revised by the district as needed.

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**PLEASE NOTE:** 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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# Vantage Points

## A Board Member's Guide to Update 104

**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 adviser. Consult with your attorney or professional adviser 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](mailto:policy.service@tasb.org), or call us at 800-580-7529 or 512-467-0222.

For more information about Policy Service, visit our website at <http://policy.tasb.org>.

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Update 104 is the second of two post-legislative updates, focusing primarily on amendments to the Administrative Code as a result of recent legislation. Major topics in Update 104 include taxes, financial reports and audits, reports to the State Board for Educator Certification (SBEC), video and audio recording in special education settings, partial credit requirements for students who are homeless or in foster care, credit-by-exam requirements for homeless students, substitutes for state assessments, and wellness policy requirements. Several of the local policy recommendations address new local policy requirements included in the 2015–16 TEA *Student Attendance Accounting Handbook*, including homebound instruction and residency and admissions. Other local policy recommendations address equal educational opportunities for students and student discrimination and harassment.

Unless otherwise noted, references to legislative bills refer to bills from the 84th Legislative Session. Throughout this document, House Bill is abbreviated as HB and Senate Bill as SB. For more information about the bills described below, download the [TASB 2015 Legislative Summary for TASB Members](http://store.tasb.org) (PDF), available free from the online TASB Store at <http://store.tasb.org>.

## **District Operations**

Several bills affect the calculation and collection of ad valorem taxes, addressed at CCG(LEGAL):

### **Ad Valorem Taxes**

- SB 1 and voter approval of a 2015 constitutional amendment increased the homestead exemption from \$15,000 to \$25,000.
- HB 992 and the constitutional amendment adopted in 2015 provide the residence homestead exemption to a surviving spouse of a 100 percent disabled veteran who died before the law authorizing the exemption took effect.
- When a district's tax rate will exceed the sum of the effective maintenance and operations tax rate and the district's current debt rate, SB 1760 requires that:
  - The board must have a record vote on the ordinance, resolution, or order setting the tax rate; and
  - At least 60 percent of the members of the board must vote in favor (at least five members of a seven-member board, regardless of the number of members present and voting).

**Financial  
Reports and  
Audits**

HB 1378 requires an annual compilation of certain financial information regarding the district's debt obligations, credit rating, and other relevant information. Districts must make the report available for inspection and post the report on their websites. The contact information for a district's main office must also be posted on its website. See CFA(LEGAL) and CQA(LEGAL).

Recent Administrative Code changes implementing provisions from HB 5 (83rd Legislative Session) have also been added at CFA(LEGAL) reflecting a district's obligation to provide additional information to TEA or acquire professional services in the event the commissioner of education projects that a financial deficit will occur in a district's general fund within the next three school years.

At CFC(LEGAL), provisions on the state's financial accountability rating system have been added based on recently revised Administrative Code rules. The policy references that preliminary ratings must be issued by TEA on or before August 8 each year, as required by law.

**Personnel Issues**

Administrative Code changes prompted revisions to DBAA(LEGAL), DFE(LEGAL), and DHB(LEGAL) addressing SBEC enforcement actions against a superintendent who falsely or inaccurately certifies compliance with the required criminal history review provisions, as well as the district's responsibility to complete investigations and notify SBEC if there is evidence of certain misconduct even when a resignation has been submitted by an employee.

**Student Issues**

**Homebound  
Instruction**

***EEH(LOCAL) POLICY CONSIDERATIONS***

The *Student Attendance Accounting Handbook (SAAH)* published by TEA includes the official attendance accounting requirements, including funding mechanisms. The 2015–16 *SAAH* addresses both general education homebound instruction and special education homebound instruction when a student is expected to be confined for a minimum of four weeks to a hospital or homebound setting. The *SAAH* requires that a local policy be in place for a district to qualify for funding for general education homebound instruction. Recommended policy changes clarify that the four weeks need not be consecutive.

For special education homebound instruction eligibility, the text in the *SAAH* mirrors current Administrative Code rules in that, if a student is determined to be chronically ill, the confinement of four weeks need not be consecutive if district policy allows for this. To address the local policy requirement, recommended text referring to special education homebound

instruction designates the admission, review, and dismissal (ARD) committee to determine whether the weeks need to be consecutive. Other recommendations in this EEH(LOCAL) policy are for clarification and to more closely mirror the requirements of the SAAH.

**Video Recording of Special Education Classrooms**

Beginning with the 2016–17 school year, SB 507 requires video and audio recording of certain special education classrooms and other settings on request of a staff member, parent, or board member. A new policy code, EHBAF, has been added at this Update and includes the statutory requirements for these video recordings. As described at EHBAF(LEGAL), districts must provide notice regarding these recordings to all school staff and to the affected parents. However, this type of recording is an exception to the requirement to obtain parental consent when a district employee makes a videotape or recording of a child or child’s voice, for which adjustments have been made at FL(LEGAL).

**Students who are Homeless or in Foster Care**

In an effort to provide flexibility for students who are homeless or in substitute (foster) care, recently amended Administrative Code rules direct districts to offer credit-by-exam opportunities to these students if they enroll in the district after the school year begins and to award partial credit when a student passes only one semester of a two-semester course. See EHDC(LEGAL) and EI(LEGAL).

***FFC(LOCAL) POLICY CONSIDERATIONS***

Federal law requires each district to designate an appropriate staff person to serve as the district’s liaison for homeless students. Most districts currently list this person’s name and contact information at FFC(LOCAL). In an effort to maintain the visibility of this information but eliminate the need for the board to readopt the policy every time a district’s liaison changes, the local policy at this code is recommended for deletion. In its place, a new FFC(EXHIBIT) is being issued with this Update and includes the contact information of the district’s liaison for homeless students.

**State Assessment**

EKB(LEGAL), addressing state assessments, has been amended to include Administrative Rule changes that implement HB 1613 and SB 149 regarding use of the Texas Success Initiative (TSI) assessment as a substitute for an end-of-course (EOC) assessment in certain circumstances. Administrative Code changes also require a district to report to TEA whether a student trans-



ferred into the district from out of state during the current school year; the assessment results for these students will be provided by TEA separately from other students.

**Health and  
Wellness**

To correspond with local policy development materials sent by TASB Policy Service in November 2015, FFA(LEGAL) has been revised in this Update to address the federal requirements for a school wellness policy, as directed by the Healthy, Hunger-Free Kids Act (HHFKA) of 2010.

**Equal  
Educational  
Opportunities /  
Discrimination  
and Harassment**

A reference to “age” has been added at FB(LEGAL) to accurately reflect the list of federally protected characteristics. In addition, information has been added to clarify a district’s required actions when evaluating a student believed to have a disability that requires additional services and supports.

***FB(LOCAL) AND FFH(LOCAL) POLICY CONSIDERATIONS***

FB(LOCAL), which addresses the district’s obligation to provide equal educational opportunities, including protections under Section 504 and other laws, has been significantly revised. The primary revisions reflect the overarching concept of equal educational opportunities and address Section 504 protections, using the federal Section 504 regulations as the basis for the recommended revisions. Revisions have been made to include in this local policy the procedural safeguard categories required by the regulations and to affirmatively mirror the Individuals with Disabilities Education Act (IDEA) in terms of required timelines for reevaluation of students.

To accommodate the addition of “age” as listed in the federally protected characteristics at FB(LEGAL), “age” is also a recommended addition at FFH(LOCAL) when referring to the district’s nondiscrimination statement and definition of discrimination. Also recommended for revision is text associated with retention of relevant records.

Most districts’ current local policies at both FB(LOCAL) and FFH(LOCAL) include the contact information of the district Title IX coordinator and ADA/Section 504 coordinator for students. To eliminate the need for the board to readopt these policies every time this information changes, we recommend removing this information from the local policy and moving it to corresponding (EXHIBIT)s at these codes. This will maintain the visibility of the information but will allow the superintendent to update the information as necessary. See FB(EXHIBIT) and FFH(EXHIBIT), included in this Update, for more information.

**Admissions and  
Residency  
Requirements**

The 2015–16 *SAAH* addresses in several ways the district's duty to verify a student's residency when enrolling a child in the district and how this duty relates to eligibility for state funding based on a student's attendance. To assist districts in determining residency, a definition of that term, as used in a U.S. Supreme Court case, has been added at FD(LEGAL).

***FD(LOCAL) AND FEB(LOCAL) POLICY CONSIDERATIONS***

The *SAAH* requires a district to maintain written local board-adopted policies that provide detailed information on the district's attendance accounting system and that include the district's written policy for documentation to establish student residency. Informal guidance received from TEA would allow districts to continue the common practice of having the superintendent, as the board's designee, maintain in administrative regulations a list of documents that may be used to verify residency. In this case, it would be crucial for a district to be able to provide this list should an attendance audit occur. To specifically address the superintendent's responsibility to develop this list, a provision requiring a parent to present proof of residency in accordance with administrative regulations is recommended at FD(LOCAL) for most districts at this Update. For those districts that already list specific documents in their FD(LOCAL) policies, those lists have generally been retained, with additional recommendations made for clarity and consistency.

Also at FD(LOCAL) are provisions to clarify transfer of credit from accredited and nonaccredited schools to better reflect state rule regarding types of credit the district must accept, as opposed to when a district would be required to evaluate records before recognizing credit.

To accommodate the *SAAH*'s requirement for board policies related to residency and the attendance accounting system, a cross-reference is recommended at FEB(LOCAL), the policy regarding attendance accounting, to point to policy FD related to admissions and residency requirements.

***More  
Information***

For more 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.