

**AGENDA ITEM**  
**BOARD OF TRUSTEES**  
**AGENDA**

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

**Presenter(s):**

**Briefly describe the subject of the report or recognition presentation.**

- (B)  **Action Item**

**SAMUEL MIJARES, SUPERINTENDENT**

**Presenter(s):** JESUS ARTURO COSTILLA, EXECUTIVE DIRECTOR FOR HUMAN RESOURCES

**Briefly describe the action required.**

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE POLICY UPDATE 122 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.**

**Instruction Sheet**  
**TASB Localized Policy Manual Update 122**

**Eagle Pass ISD**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
ATTN	(NOTE)	No policy enclosed	See explanatory note
CQB	(LOCAL)	Replace policy	Revised policy
CSA	(LOCAL)	ADD policy	See explanatory note
DC	(LOCAL)	Replace policy	Revised policy
DP	(LOCAL)	No policy enclosed	See explanatory note
EHB	(LOCAL)	Replace policy	Revised policy
EHBC	(LOCAL)	DELETE policy	See explanatory note
EHBCA	(LOCAL)	ADD policy	See explanatory note
EIC	(LOCAL)	No policy enclosed	See explanatory note
FEA	(LOCAL)	Replace policy	Revised policy
FFAC	(LOCAL)	Replace policy	Revised policy
FFB	(LOCAL)	Replace policy	Revised policy
FL	(LOCAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### ATTN(NOTE)

#### GENERAL INFORMATION ABOUT THIS UPDATE

##### Please note:

Changes at Update 122 are based almost exclusively on legislation from the 88th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 88th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

Each regular legislative session, legislation is passed that makes nonsubstantive additions, revisions, or corrections to existing statutes. HB 4595 was passed for this purpose in the 88th Regular Legislative Session. Minor nonsubstantive changes throughout Update 122 result from HB 4595 and are not otherwise mentioned in the explanatory notes.

For more information about the bills mentioned throughout and other changes from the 88th Legislative Session, download the free [2023 Legislative Summary for TASB Members](#) PDF from the TASB store.

The [Local Policy Overview](#) for Update 122, available with your Update 122 materials under [Local Manual Updates](#) on Policy Online® (TASB login required), provides a general, high-level overview of the changes to the local policies included in the update. **Legal policies provide the legal framework for key areas of district operations and are not adopted by the board.**

Changes to the policy manual based on bills from the special called sessions will be included in Update 123.

#### CQB(LOCAL)

#### TECHNOLOGY RESOURCES: CYBERSECURITY

Based on the new notification requirements imposed by SB 271, the security breach notification provisions have been revised to include security incidents.

#### CSA(LOCAL)

#### FACILITY STANDARDS: SAFETY AND SECURITY

This new local policy on facility safety and security includes recommended provisions addressing audits of building access control to comply with the commissioner's new school safety rules for facilities, effective May 31, 2023.

#### DC(LOCAL)

#### EMPLOYMENT PRACTICES

HB 1789 creates a nepotism exception for hiring bus drivers, regardless of county population, if the *board* approves employment. We recommend adding a note referring to DBE(LEGAL) (concerning nepotism) to this policy that delegates hiring authority for noncontractual employees to the superintendent as a reminder of the special requirements related to this nepotism exception for bus drivers.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### DP(LOCAL)

#### PERSONNEL POSITIONS

SB 763 authorizes districts to employ chaplains or accept chaplains as volunteers to provide support, services, and programs for students as assigned by the board. These provisions apply beginning with the 2023-24 school year. While your district currently may allow chaplains along with other visitors or volunteers on campus, SB 763 requires each board to take a record vote not later than six months after the effective date, September 1, 2023, on whether to adopt a policy authorizing a campus to employ or accept as a volunteer a chaplain. To facilitate this record vote, TASB Policy Service sent a draft resolution with the [2023 Post-Legislative Policy Changes Policy Alert](#), available in the Policy Online® Governance and Management Library (TASB login required), for consideration by the board between September 1, 2023,

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

and March 1, 2024. If the board approves the option to adopt a policy to authorize district campuses to employ or accept as a volunteer a chaplain, send your TASB policy consultant a copy of the resolution for TASB to update the district's DP(LOCAL) policy to reflect the board's decision. If the board would prefer only to accept chaplains as volunteers like other district or campus volunteers, contact your policy consultant for assistance with language at GKG(LOCAL).

### **EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

New provisions are recommended to comply with HB 3928, which requires the board to adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE and guidance published by the commissioner to implement the program to test students for dyslexia and related disorders.

### **EHBC(LOCAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS**

This local policy containing provisions on accelerated instruction has been moved to EHBCA(LOCAL) (see below) to align with the legal policy created at that code in Update 121.

### **EHBCA(LOCAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

This local policy has been recoded from EHBC(LOCAL) to align with EHBCA(LEGAL) created in Update 121. HB 1416 made several changes to the requirements for accelerated instruction. Recommended changes to this local policy reflect that a parent's ability to request a particular teacher after a student fails to perform satisfactorily on a state assessment is no longer limited to students in grades 3, 5, and 8. Other changes delete references to the accelerated learning committee, which has been eliminated. A district now must develop an accelerated learning plan for certain students, and parents still may file a complaint about the plan in accordance with FNG.

### **EIC(LOCAL) ACADEMIC ACHIEVEMENT: CLASS RANKING**

HB 3803 permits parents to elect to have their student repeat a high school course in which the student was enrolled during the previous school year unless the district determines the student has met all requirements for graduation. Absent local policy, TEA guidance provides that the original passing grade must be retained.

Contact your policy consultant for assistance with policy language that reflects the district's option regarding the use of grades from retaken courses in the calculation of class rank and on the transcript.

### **FEA(LOCAL) ATTENDANCE: COMPULSORY ATTENDANCE**

SB 68 allows a district to excuse a student from attending school for career investigation days to visit a professional's workplace during the student's junior and senior years to determine the student's interest in a career in the professional's field. Districts that choose to excuse students for absences to visit a professional's workplace to explore a career in that professional's field must adopt a policy to determine when an absence will be excused for this purpose and a procedure to verify the visit. A new provision offered for the board's consideration at Career Investigation permits such absences for the maximum amount allowed in law — up to two days during a student's junior year and up to two days during the student's senior year. Contact your policy consultant for revisions if the district will allow fewer excused absences or will not allow any excused absences for this purpose.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### FFAC(LOCAL)

#### WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Recommended revisions to this policy are based on SB 629, which requires a district to adopt a policy regarding maintenance, administration, and disposal of opioid antagonists at each campus that serves students in grades 6 through 12. The enclosed policy reflects the grade levels to which this new provision will apply based on information recently received from the district.

The Legal Issues in Update 122 memo describes common legal concerns and best practices specific to this policy's topic.

#### FFB(LOCAL)

#### STUDENT WELFARE: CRISIS INTERVENTION

Recommended revisions to this local policy on crisis intervention include the following:

- In accordance with HB 3, provisions have been added at Student Reports to require each campus to establish a clear procedure for students to report concerning behavior by another student.
- Revisions at Employee Confidentiality are based on SB 1720 and allow employees who report a potential threat to elect to keep their identities confidential.

#### FL(LOCAL)

#### STUDENT RECORDS

HB 1416 repeals provisions related to accelerated learning committees. The references to the accelerated learning committee have been replaced with references to the accelerated education plan that now must be created for certain students who fail to perform satisfactorily on state assessments.

The Legal Issues in Update 122 memo describes common legal concerns and best practices specific to this policy's topic.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

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Changes to the policy manual based on bills from the special called sessions will be included in Update 123.

#### **AF(LEGAL) INNOVATION DISTRICTS**

New and amended Administrative Code rules, effective June 20, 2023, revise the process and timeline for renewing an innovation plan. (See pages 5-6.)

#### **AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING**

Provisions regarding remote instruction expired on September 1, 2023, and have been removed from this legal policy.

#### **BBB(LEGAL) BOARD MEMBERS: ELECTIONS**

This legal policy has been updated to increase the population threshold for certain districts to conduct elections jointly with a hospital district. (HB 4559)

#### **BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS**

HB 1217 repeals Election Code provisions creating different requirements for days and hours of early voting at temporary branch polling places in counties with a population under 100,000. The same requirements now apply regardless of county size.

#### **BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES**

HB 2559 adds retired justices of the peace, the comptroller of public accounts, and former comptrollers to the list of persons authorized to administer an oath in Texas. Because this legal policy includes only the four broadest categories of authorized persons, it has been amended to include retired justices of the peace. (See Oath of Office on page 4.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **BBBC(LLEGAL) ELECTIONS: CAMPAIGN FINANCE**

HB 2626 requires all districts, regardless of size, to post campaign finance reports filed with the district on the district website not later than the 10th business day after receipt. Certain address information may be removed before posting, and the reports must remain accessible on the website for five years.

#### **BBC(LLEGAL) BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE**

SB 232 implements automatic removal from office for certain criminal offenses. If a board member is removed, the board must fill the vacancy at the first regular meeting following the removal. (See page. 4.)

HB 17 makes nonsubstantive changes to existing law regarding removal of a board member by written petition and trial. (See page 3.)

#### **BBD(LLEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION**

The attorney general (AG) may require board members to complete Public Information Act (PIA) training if the AG determines the district has failed to comply with a requirement of the PIA (see page 1). (HB 3033)

#### **BBI(LLEGAL) BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

The Note at the beginning of this policy has been updated to include a reference to CQC(LLEGAL), where provisions from SB 1893 regarding prohibited applications on district-owned devices have been added.

#### **BE(LLEGAL) BOARD MEETINGS**

HB 3440 requires all districts to post both the notice *and* agenda for a board meeting on the district website under the Open Meetings Act. (See Internet Posting — Notice on page 4.) The bill repeals the previous provision that tied the requirement to post the agenda to the size of a municipality in the district.

#### **C(LLEGAL) BUSINESS AND SUPPORT SERVICES**

The Section C table of contents has been revised to rename CKA as Safety Program/Risk Management: Safety and Security Audits and Monitoring. Provisions regarding asbestos management have been moved to a new code CSC, Facility Standards: Asbestos Management.

#### **CCA(LLEGAL) LOCAL REVENUE SOURCES: BOND ISSUES**

For bonds authorized at an election after September 1, 2023, HB 3 allows the use of bond proceeds to pay for compliance with school safety and security requirements for school facilities. If TEA finds that the district is not in compliance, the district must use bond proceeds to achieve compliance before using the proceeds for other purposes. (See page 3.)

#### **CDA(LLEGAL) OTHER REVENUES: INVESTMENTS**

SB 1246 amends the Public Funds Investment Act to authorize districts to invest in repurchase agreements through a joint account.

#### **CDB(LLEGAL) OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY**

HB 2518 requires a public property lease between a district and another person to include terms requiring the person to include payment and performance bond requirements in any construction contract the person enters related to the leased property. In addition, the person must provide notice of commencement to the district at least 90 days before any construction begins. (See pages 3-4.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

#### **CHE(LEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS**

HB 1817 specifies the circumstances under which a district contract is voidable for the vendor's failure to provide the required disclosure of interested parties. (See page 2.)

A provision has been added from HB 900 prohibiting the purchase of library material from vendors included on a list created by TEA. Other provisions of HB 900 are set out in EFB(LEGAL). (See page 10.)

#### **CJA(LEGAL) CONTRACTED SERVICES: CRIMINAL HISTORY**

HB 4123 makes significant changes to the laws regarding criminal history record information (CHRI) reviews by the district and "qualified school contractors," as defined in the bill, and repeals provisions relating to CHRI reviews for certain public works contractors. The bill creates a single statutory approach to CHRI reviews for contractors and their employees.

#### **CK(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT**

Several legislative changes affect this legal policy on safety programs and risk management:

- HB 3 requires sheriffs in counties with a population of less than 350,000 to conduct semiannual meetings to discuss issues related to school safety.
- HB 1905 allows districts to make school safety training courses, including active shooter training courses, available at no cost to employees of private schools or child-care facilities in the district.
- SB 29 prohibits districts from implementing mandates related to COVID-19.

To better present legislative changes related to school safety and make the associated policies easier to use, provisions in this policy related to safety and security audits have been relocated to CKA(LEGAL).

#### **CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SAFETY AND SECURITY AUDITS AND MONITORING**

To better present legislative changes related to school safety and make the associated policies easier to use, this legal policy has been renamed Safety and Security Audits and Monitoring, and provisions regarding asbestos management have been relocated to CSC(LEGAL) in the policy series related to facility standards. Provisions regarding safety and security audits have been moved from CK(LEGAL) and amended by HB 3.

Other revisions from HB 3 include new provisions related to the following:

- Monitoring by TEA of district implementation and operation of safety and security requirements through a new office of school safety and security
- Vulnerability assessments by TEA
- Intruder detection audits by regional school safety review teams
- Assignment of a conservator by the commissioner if a district fails to comply with specified safety and security requirements

#### **CKC(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS**

Numerous legislative changes affect this legal policy on emergency plans.

Under HB 3, a district must:

- Adopt a policy for providing notice regarding violent activity at a district campus or facility or at a district-sponsored activity. (See page 1.) [TEA issued a To the Administrator Addressed letter to provide



# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

guidance to educational leaders on September 7, 2023, with Guidance on Model Standards for Parental Notification that can be used to develop administrative procedures.]

- Provide the Department of Public Safety (DPS) and local law enforcement with emergency response maps and an opportunity to conduct a walk-through using the maps. (See page 1.)
- Follow TEA guidelines in adopting and implementing the district's multihazard emergency operations plan (EOP) to ensure the safety of students and personnel with disabilities or impairments in a disaster or emergency. TEA must develop the guidelines. (See page 3.)
- Submit its multihazard EOP no later than the 30th day after the Texas School Safety Center (TxSSC) requests it. HB 3 modifies the timelines related to submitting the plan and correcting any deficiencies. (See page 5.)
- Provide information from DPS and TxSSC regarding safe storage of firearms to parents. (See pages 6-7.) [TxSSC released information on September 1, 2023.]

Provisions have been added to this policy from the Texas Disaster Act regarding confidentiality of certain types of information the district may have related to safety and disaster response. (See pages 7-8.)

### **CKE(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL**

Several revisions to this legal policy on security personnel result from HB 3.

- The board must determine the appropriate number of armed security officers for each campus. The board must ensure that at least one armed security officer, as defined by the bill, is present during regular school hours at each campus or claim a good cause exception due to availability of funding or qualified personnel. A board that claims a good cause exception must develop an alternative standard. (See page 1.)
- The board's options as to who may be hired for security purposes are expanded. (See pages 1-2.)
- Security personnel are no longer required to be commissioned peace officers to carry weapons, but a person permitted to carry a firearm on campus may not perform certain law enforcement duties, except in an emergency, unless they are commissioned peace officers. (See page 5.)

HB 3 and SB 999 modify requirements related to active shooter response training. (See page 3.)

HB 1133 allows peace officers providing volunteer security services at school events to wear their uniforms under certain circumstances. (See pages 3-4.)

For more information, see TASB Legal Services' School Law eSource article "Armed Security Officer Requirement in House Bill 3 (2023)."

### **CKEA(LLEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS**

This legal policy has been updated to include existing provisions regarding the circumstances under which a body-worn camera recording may be released. (See page 5.)

### **CKEB(LLEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS**

HB 3623 allows a district to enter into a memorandum of understanding with another district, open-enrollment charter school, or private school to share a school marshal on the other school's campus for certain events. (See page 4.)

### **CKEC(LLEGAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS**

HB 3 implements requirements for a memorandum of understanding for the provision of school resource officers.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

**CLA(LLEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY**

SB 2069 revises the requirements for schools to post human trafficking signs. The signs must now be posted in a conspicuous place reasonably likely to be viewed by employees and visitors.

**CLE(LLEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: FLAG DISPLAYS**

HB 2012 allows a classroom teacher to display the national motto in a classroom if the poster or framed copy meets existing requirements.

**CMD(LLEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING**

HB 1605 makes numerous changes to this legal policy on instructional materials care and accounting, including revisions to permitted expenditures, requisition procedures, requirements related to open education resources (OER), and certification. In addition, districts may be entitled to additional state aid for certain instructional materials.

Administrative code provisions have been deleted to the extent they are superseded by new laws.

**CNA(LLEGAL) TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION**

Duplicative information regarding the transportation of students to accelerated instruction programs has been replaced with a reference on page 7 to EHBCA for more information.

**CNC(LLEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY**

HB 2190 changes all references in state law from "accident" to "collision."

**CQA(LLEGAL) TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES**

The list of required internet postings has been updated to include:

- Campaign finance filings at item 18 (HB 2626)
- Item 46 regarding annual reports on measurable outcomes for dropout recovery education programs (SB 1647)

A district may now either post online or provide physical copies of the report on library materials (see item 4 at Optional Internet Postings). (HB 900)

**CQB(LLEGAL) TECHNOLOGY RESOURCES: CYBERSECURITY**

SB 768 shortens the deadline to notify the attorney general of a system security breach from 60 to 30 days and requires the notice to be submitted electronically. (See page 4.)

SB 271 creates additional notification requirements for "security incidents" as defined in the bill. (See page 6.)

**CQB(LOCAL) TECHNOLOGY RESOURCES: CYBERSECURITY**

Based on the new notification requirements imposed by SB 271, the security breach notification provisions have been revised to include security incidents.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **CQC(LEGAL)**

#### **TECHNOLOGY RESOURCES: EQUIPMENT**

HB 18 amends requirements related to transferring data processing equipment or electronic devices to students. Beginning with the 2023-24 school year, in addition to existing requirements, districts must adopt rules establishing programs that promote parents as partners in cybersecurity and online safety and install filters to block pornographic or obscene materials or applications. TEA must adopt standards for permissible devices and applications used by a district. If necessary, Policy Service will recommend policy revisions following publication of the TEA standards.

SB 1893 requires the district to adopt a policy prohibiting the installation or use of a "covered application," as defined in the bill, on any device owned or leased by the district. (See page 3.) The Department of Information Resources (DIR) and the Department of Public Safety (DPS) must develop a model policy for districts to use in developing the required policy, and the district must adopt the required policy no later than 60 days after the model is released. Policy Service will recommend local policy revisions, as appropriate, following publication of the DIR/DPS model policy.

#### **CS(LEGAL)**

#### **FACILITY STANDARDS**

For clarity and ease of use, this legal policy on Facility Standards has been divided into four codes:

- CS: Facility Standards
- CSA: Safety and Security
- CSB: Gas and Pipelines
- CSC: Asbestos Management

CS includes the existing school facility standards that apply to all district capital improvement projects. Accessibility standards as well as provisions related to portable buildings and outdoor lighting also remain in this policy code.

#### **CSA(LEGAL)**

#### **FACILITY STANDARDS: SAFETY AND SECURITY**

This new policy code regarding safety and security includes existing provisions moved from CS(LEGAL) as well as the commissioner's new school safety rules for facilities, effective May 31, 2023.

HB 3 implements additional safety and security requirements for facilities.

SB 838 requires a district to provide each classroom with silent panic alert technology that allows immediate contact with emergency services and law enforcement. This applies beginning with the 2025-26 school year. (See page 9.)

#### **CSA(LOCAL)**

#### **FACILITY STANDARDS: SAFETY AND SECURITY**

This new local policy on facility safety and security includes recommended provisions addressing audits of building access control to comply with the commissioner's new school safety rules for facilities, effective May 31, 2023.

#### **CSB(LEGAL)**

#### **FACILITY STANDARDS: SAFETY AND SECURITY**

To present legal requirements more clearly, this new legal policy regarding gas and pipelines includes existing provisions moved from CS(LEGAL).

#### **CSC(LEGAL)**

#### **FACILITY STANDARDS: ASBESTOS MANAGEMENT**

To present legal requirements more clearly, existing provisions related to asbestos management have been moved from CKA(LEGAL) to this new policy code.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### CV(LEGAL) FACILITIES CONSTRUCTION

This legal policy regarding facilities construction includes several revisions:

- HB 679 prohibits requiring a specified experience modifier in construction contracts or solicitations. (See pages 5-6.)
- HB 3485 allows vendors and subcontractors to elect not to proceed with additional work without a properly executed change order. (See page 8.)
- HB 2518 adds the failure to include required lease terms to the circumstances under which a district may be liable for failure to obtain a payment bond. (See page 13.)
- HB 2965 prohibits the waiver of Government Code Chapter 2272 regarding construction liability claims. (See page 20.)

#### DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

Changes to the laws regarding the use, confidentiality, and destruction of criminal history record information (CHRI) are from HB 4123. (See pages 4-5.) Other revisions are to better reflect statutory sources.

#### DBE(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: NEPOTISM

HB 1789 provides an exception to the nepotism prohibition for hiring bus drivers if the board approves the employment. (See page 4.)

#### DC(LOCAL) EMPLOYMENT PRACTICES

HB 1789 creates a nepotism exception for hiring bus drivers, regardless of county population, if the *board* approves employment. We recommend adding a note referring to DBE(LEGAL) (concerning nepotism) to this policy that delegates hiring authority for noncontractual employees to the superintendent as a reminder of the special requirements related to this nepotism exception for bus drivers.

The *Legal Issues in Update 122* memo describes common legal concerns and best practices specific to this policy's topic.

#### DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

For at least two school years, a district must assign a mentor teacher to a teacher who has been issued a temporary certificate for military service members and first responders to teach career and technology education (see page 5). (HB 621)

#### DEC(LEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

Two bills impact leave requirements for district police officers and emergency personnel.

- HB 1486 adds full-time telecommunicators authorized under the Occupations Code to those entitled to paid mental health leave after experiencing a traumatic event in the scope of employment. (See page 6.)
- HB 471 requires a district to extend a leave of absence to a police officer or emergency medical services personnel for an illness or injury related to the person's line of duty. (See pages 6-7.)

#### DF(LEGAL) TERMINATION OF EMPLOYMENT

HB 4520 adds conviction of or placement on deferred adjudication community supervision for sale, distribution, or display of harmful material to a minor as a basis for mandatory termination. (See page 2.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES**

Revisions to this legal policy incorporate recent state and federal legislative changes.

- HB 1605 prohibits a district from penalizing a teacher for failure to follow the pacing of instructional materials for a subject in the required curriculum. A classroom teacher is also immune from disciplinary proceedings for violating certain state and federal laws if the teacher used only approved and adopted instructional material and delivered the instruction with fidelity. (See pages 4-5.)
- The federal Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, effective December 29, 2022, repealed and replaced prior law requiring breaks for employees to express breast milk. The provisions are not limited to nonexempt employees. (See pages 6-7.)

#### **DGC(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: IMMUNITY**

HB 2059 adds local behavioral health authorities to the list of providers of mental health first aid training who receive immunity when assisting an individual experiencing a mental health crisis. (See page 4.)

#### **DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT**

HB 4520 adds Penal Code 43.24 (sale, distribution, or display of harmful material to minor) to the qualifying felonies that render a person ineligible for a TRS service retirement annuity if convicted. (See item 4 on page 2.)

#### **DI(LEGAL) EMPLOYEE WELFARE**

HB 915 requires a district to post information for reporting workplace violence to the Department of Public Safety.

Other changes are to improve online accessibility of the policy.

#### **DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

Revisions to this legal policy incorporate recent state and federal legislative changes.

- HB 567 provides that the prohibition against racial discrimination includes discrimination based on an employee's hair texture or protective hairstyle commonly or historically associated with race. A district commits an unlawful employment practice if it adopts a dress or grooming policy that discriminates against such hair texture or protective hairstyle. (See page 4.)
- The federal Pregnant Workers Fairness Act, effective June 27, 2023, requires employers to provide reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee. (See pages 9-11.)

Additional changes have been made to include citations to Administrative Code provisions and update other citations.

#### **DL(LEGAL) WORK LOAD**

HB 1605 allows supplemental agreements between a district and a classroom teacher related to lesson planning or selecting instructional material during planning and preparation time. This applies beginning with the 2024-25 school year.

#### **DLB(LEGAL) WORK LOAD: REQUIRED PLANS AND REPORTS**

HB 1605 allows a unit or weekly lesson plan included in instructional material adopted by the board to satisfy a requirement to prepare such a plan. (See item 6 at Restrictions on Written Reports.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **DMA(LEGAL)                      PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

Several legislative changes impact this legal policy on staff development.

- A district may satisfy a requirement to implement a program related to substance abuse and prevention and intervention by providing instruction related to fentanyl abuse prevention and drug poisoning awareness (see page 4). (HB 3908)
- A district must require all district employees who regularly interact with students to complete an evidence-based mental health training program (see pages 5-6). (HB 3)
- An athletic trainer who serves as a member of a district's concussion oversight team must take a course that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR) (see page 9). (HB 2495)

Other revisions have been made to clarify the training requirements for other employees related to concussions.

#### **DP(LEGAL)                      PERSONNEL POSITIONS**

Revisions to this legal policy include new Administrative Code provisions, effective May 21, 2023, regarding school counselors, including requirements that they track time spent on various work duties and that the district assess its compliance with its counselor policy. (See pages 5-6.)

The policy also includes provisions from SB 763 authorizing a district to employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board. (See pages 8-9.)

#### **DP(LOCAL)                      PERSONNEL POSITIONS**

SB 763 authorizes districts to employ chaplains or accept chaplains as volunteers to provide support, services, and programs for students as assigned by the board. These provisions apply beginning with the 2023-24 school year. While your district currently may allow chaplains along with other visitors or volunteers on campus, SB 763 requires each board to take a record vote not later than six months after the effective date, September 1, 2023, on whether to adopt a policy authorizing a campus to employ or accept as a volunteer a chaplain. To facilitate this record vote, TASB Policy Service sent a draft resolution with the [2023 Post-Legislative Policy Changes Policy Alert](#), available in the Policy Online@ Governance and Management Library (TASB login required), for consideration by the board between September 1, 2023, and March 1, 2024. If the board approves the option to adopt a policy to authorize district campuses to employ or accept as a volunteer a chaplain, send your TASB policy consultant a copy of the resolution for TASB to update the district's DP(LOCAL) policy to reflect the board's decision. If the board would prefer only to accept chaplains as volunteers like other district or campus volunteers, contact your policy consultant for assistance with language at GKG(LOCAL).

#### **EEB(LEGAL)                      INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE**

HB 2729 requires a district or an entity with which a district contracts to provide a prekindergarten program to attempt to maintain an average ratio of at least one *qualified*, rather than certified, teacher or aide for each 11 students. (See High-Quality Prekindergarten Program on page 1.)

#### **EF(LEGAL)                      INSTRUCTIONAL RESOURCES**

This legal policy includes the following revisions from HB 1605:

- Changes to timelines and other requirements related to parental review of tests and instructional materials

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

- New requirements pertaining to district instructional material review on request of a parent or group of parents

The district must adopt a process for a parent to request a district instructional material review. TEA must adopt standards for a district to use in this review. Policy Service will recommend local policy revisions following publication of the TEA standards.

Provisions related to parental rights regarding consent to surveys and information collection have been relocated to new policy FA(LLEGAL), dedicated to parental rights.

### **EFA(LLEGAL)                      INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS**

Numerous revisions throughout this legal policy on instructional materials are the result of HB 1605.

- Expanded definition of "instructional materials"
- Revised provisions regarding the SBOE's review, selection, and approval or rejection of instructional materials
- New provisions related to TEA's instructional materials website and other support for districts
- New and revised provisions pertaining to open education resource (OER) instructional material

### **EFB(LLEGAL)                      INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS**

HB 900 required revisions throughout this legal policy on library materials.

- A district must adhere to the standards for library collection development adopted by the Texas State Library and Archives Commission (TSLAC) with approval of the SBOE. TSLAC must develop standards by January 1, 2024; Policy Service will recommend local policy revisions following publication of the standards.
- Written parental consent is required before a student may check out library material rated by a vendor as "sexually relevant."
- A district must conduct a biennial review of library contents and post a report not later than January 1 of every odd-numbered year.
- Library material vendors may not sell library materials unless they have issued ratings regarding sexually explicit and sexually relevant material previously sold to the district. No sexually explicit material may be sold and any in use must be recalled. Vendors must submit a list to TEA of rated materials sold and in use, and TEA must post the list online.

### **EHAA(LLEGAL)                      BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

HB 1605 requires districts, when adopting instructional materials, to ensure sufficient time for teachers to teach and students to learn the essential knowledge and skills for the subject and grade level. (See Scope and Sequence and Instructional Materials on page 3.)

HB 3908 expands the scope of instruction regarding the dangers of opioids about which the school health advisory council (SHAC) must make recommendations. (See item 7 on page 7.)

### **EHAB(LLEGAL)                      BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ELEMENTARY)**

HB 1605 prohibits any instruction that incorporates three-cueing in the required phonics curriculum.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **EHAC(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)**

Several bills impact this legal policy on required secondary instruction.

- SB 2124 requires districts to develop an advanced mathematics program and automatically enroll certain sixth grade students unless the student's parent opts out. (See page 3.)
- HB 3908 requires a district to provide annual instruction regarding fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12. (See page 7-8.)
- HB 4375 requires a district to provide instruction in using an automated external defibrillator (AED) to students in grades 7 through 12 and allows a district to accept donations to provide such instruction. (See pages 8-9.)

A reference to policy EHBAD has been added on page 9 for more information on new notice requirements regarding the driving with disability program from SB 2304.

#### **EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

HB 3928 impacts this legal policy on special programs as follows:

- Further outlines the district's obligations when a student is suspected of having dyslexia or a related disorder (See pages 1-2.)
- Requires the board to adopt a local policy requiring the district to comply with all SBOE and commissioner rules, standards, and guidance related to implementing the program to test students for dyslexia and related disorders (See pages 2-3.)
- Requires the multidisciplinary evaluation team to include a dyslexia specialist when determining a student's eligibility for special education services (See page 3.)
- Implements requirements for progress reports for students receiving dyslexia services (See page 5.)
- Specifies required qualifications for providers of dyslexia instruction (See pages 5-6.)

#### **EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

New provisions are recommended to comply with HB 3928, which requires the board to adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE and guidance published by the commissioner to implement the program to test students for dyslexia and related disorders.

#### **EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

This policy on identification, evaluation, and eligibility has been updated to include a reference on page 5 to policy EHB for more information on special education of students with dyslexia and related disorders.

#### **EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM**

Changes reflect revised Administrative Code provisions regarding the admission, review, and dismissal (ARD) committee, effective July 18, 2023. The revisions include requirements related to students new to a district (see pages 4-6), including students who register in the summer, and requirements related to interpretation to ensure parent participation and understanding (see Collaborative Process on page 11).



# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES**

SB 2304 requires a district to provide information regarding the Texas Driving with Disability Program to specified students. (See pages 3-4.)

#### **EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS**

The requirements for dropout recovery education programs are revised and supplemented by SB 1647. New provisions, beginning on page 6, address who can operate a program, when a district administrator or counselor may refer a student to a program, and reporting requirements.

#### **EHBC(LOCAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS**

This local policy containing provisions on accelerated instruction has been moved to EHBCA(LOCAL) (see below) to align with the legal policy created at that code in Update 121.

#### **EHBCA(LEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

HB 1416 impacts this legal policy on accelerated instruction in numerous ways, including the following:

- Implements exceptions to accelerated instruction for certain students (See pages 1-2.)
- Modifies requirements for supplemental instruction, including requirements regarding the hours of instruction and the instructional group size (See page 3.)
- Provides parents an option to modify or remove a requirement for supplemental instruction for students who failed to perform satisfactorily on certain assessment instruments (See page 4.)
- Excepts a district from the requirement to provide transportation for students to accelerated instruction programs if the district does not operate or contract for a transportation system
- Expands the requirements to provide notice to parents and requires TEA to develop a model notice [TEA released information on July 13, 2023.]
- Requires a district to develop an accelerated education plan for a student who does not perform satisfactorily on an assessment instrument for two or more school years in the same subject (See pages 6-7.)
- Requires the district to make a good faith attempt to provide a parent conference for a student with an accelerated education plan
- Adds circumstances under which the commissioner may waive a district's accelerated instruction requirements (See pages 8-9.)
- Repeals several provisions, including provisions related to accelerated learning committees
- Amends the ARD committee meeting requirements

#### **EHBCA(LOCAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

This local policy has been recoded from EHBC(LOCAL) to align with EHBCA(LEGAL) created in Update 121. HB 1416 made several changes to the requirements for accelerated instruction. Recommended changes to this local policy reflect that a parent's ability to request a particular teacher after a student fails to perform satisfactorily on a state assessment is no longer limited to students in grades 3, 5, and 8. Other changes delete references to the accelerated learning committee, which has been eliminated. A

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

district now must develop an accelerated learning plan for certain students, and parents still may file a complaint about the plan in accordance with FNG.

#### **EHBG(LLEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN**

HB 2729 makes several changes related to prekindergarten programs:

- Expands teacher qualifications (See page 5.)
- Requires a district or an entity with which a district contracts to provide a prekindergarten program to attempt to maintain an average ratio of at least one *qualified*, rather than certified, teacher or aide for each 11 students (See page 6.)
- Prescribes new supervisor requirements for entities with which a district contracts to provide a prekindergarten program (See page 6.)

#### **EHBK(LLEGAL) SPECIAL PROGRAMS: OTHER INSTRUCTIONAL INITIATIVES**

HB 3991 designates the first Friday in April as Texas Fruit and Vegetable Day and requires appropriate instruction. (See page 4.)

HB 3908 requires the governor to designate Fentanyl Poisoning Awareness Week, which may include age-appropriate instruction. (See page 7.)

#### **EHDD(LLEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT**

HB 8 implements the Financial Aid for Swift Transfer (FAST) program to allow certain students to enroll at no cost in a dual credit course. A district must provide notice to parents about the program and determine student eligibility. (See pages 7-8.)

#### **EHDE(LLEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: DISTANCE LEARNING**

Provisions related to attendance calculation for off campus electronic instruction expired on September 1, 2023, and have been removed from this legal policy.

#### **EHDF(LLEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM**

Provisions related to local remote learning programs expired on September 1, 2023. This legal policy has been deleted in its entirety.

#### **EI(LLEGAL) ACADEMIC ACHIEVEMENT**

Changes reflect new Administrative Code provisions regarding the academic achievement record of a student who earns a diploma for completing the Texas First Early High School Completion Program, effective June 15, 2023. (See page 4.)

#### **EIA(LLEGAL) ACADEMIC ACHIEVEMENT: GRADING/PROGRESS REPORTS TO PARENTS**

This policy on grading/progress reports to parents has been updated to include a reference on page 2 to policy EHB for more information on progress reports for students receiving dyslexia instruction.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

#### **EIC(LOCAL) ACADEMIC ACHIEVEMENT: CLASS RANKING**

HB 3803 permits parents to elect to have their student repeat a high school course in which the student was enrolled during the previous school year unless the district determines the student has met all requirements for graduation. Absent local policy, TEA guidance provides that the original passing grade must be retained.

Contact your policy consultant for assistance with policy language that reflects the district's option regarding the use of grades from retaken courses in the calculation of class rank and on the transcript.

#### **EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION**

HB 3803 permits a parent to elect for a student to repeat the grade in which the student was enrolled in the previous school year up to grade 8. In addition, a parent may elect for a student to repeat a course taken for high school credit in the previous school year unless the district determines the student has met all requirements for graduation. (See page 1.)

#### **EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION**

Provisions related to diplomas for certain students who entered ninth grade before the 2011-12 school year expired on September 1, 2023, and have been removed from this legal policy.

SB 2294 requires a district to allow a student to graduate and receive a diploma under the Texas First Early High School Completion Program if the student satisfies other requirements. (See page 7.)

#### **EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT**

This legal policy has been updated to include legislative changes regarding state assessments.

- In establishing the district's calendar and the dates for the administration of state assessment instruments, the board may consider religious holy days or periods of observance likely to be observed by students during the period for administering those instruments (see page 5). (HB 1883)
- A district may administer a state assessment instrument in paper format to up to three percent of students upon request of a student's parent, guardian, or teacher (see pages 6-7). (HB 1225)

#### **F(LEGAL) STUDENTS**

The Section F table of contents has been revised to add the new code FA, Parent Rights and Responsibilities. We have also added for future expansion a new code addressing identification of students at FI.

#### **FA(LEGAL) PARENT RIGHTS AND RESPONSIBILITIES**

Many of the legal provisions regarding parent rights have been moved to this new policy code so that information is available in a single location. In addition, this policy catalogs the other policy codes that address specific parents' rights throughout the policy manual.

#### **FD(LEGAL) ADMISSIONS**

SB 1008 extends the deadline for an active-duty military parent to provide proof of residence in the district from 10 to 90 days after arrival. (See pages 3-4.)

HB 3 requires a parent enrolling a child or the district the child most recently attended to provide the new district a copy of the child's disciplinary record and any threat assessment involving the child's behavior. (See page 8.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### FDA(LLEGAL)

#### ADMISSIONS: INTERDISTRICT TRANSFERS

HB 3 requires a transfer student's district of residence to provide the receiving district with the student's disciplinary record and any threat assessment involving the student's behavior. (See page 1.)

HB 1959 and HB 2892 require the board to grant the request of a peace officer who is a parent of a student or a servicemember who is a parent of a student to transfer the student to another campus or to another district under an agreement between the districts under Education Code 25.035. (See pages 2-3.)

#### FDB(LLEGAL)

#### ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

A reference to information regarding intradistrict transfers requested by a parent who is a servicemember or peace officer has been added to page 3 of this legal policy. The referenced information is located in FDA(LLEGAL).

#### FEA(LLEGAL)

#### ATTENDANCE: COMPULSORY ATTENDANCE

HB 1212 prohibits a district from requiring documentation from a clergy member or other religious leader and requires the district to accept a note from a parent when excusing a student's absence to observe a religious holy day. (See page 4.)

SB 68 allows a district to excuse a student from attending school for career investigation days to visit a professional's workplace during the student's junior and senior years to determine the student's interest in a career in the professional's field. (See page 6.)

HB 4559 increases the population threshold for constitutional county courts in certain counties to be designated as truancy courts. (See page 8.)

#### FEA(LOCAL)

#### ATTENDANCE: COMPULSORY ATTENDANCE

SB 68 allows a district to excuse a student from attending school for career investigation days to visit a professional's workplace during the student's junior and senior years to determine the student's interest in a career in the professional's field. Districts that choose to excuse students for absences to visit a professional's workplace to explore a career in that professional's field must adopt a policy to determine when an absence will be excused for this purpose and a procedure to verify the visit. A new provision offered for the board's consideration at Career Investigation permits such absences for the maximum amount allowed in law — up to two days during a student's junior year and up to two days during the student's senior year. Contact your policy consultant for revisions if the district will allow fewer excused absences or will not allow any excused absences for this purpose.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### FEB(LLEGAL)

#### ATTENDANCE: ATTENDANCE ACCOUNTING

References regarding funding for courses taken with the Texas Virtual School Network have been updated.

#### FEC(LLEGAL)

#### ATTENDANCE: ATTENDANCE FOR CREDIT

Provisions allowing a district to adopt a policy to exempt students from the 90 percent rule for courses offered under a local remote learning program exception expired on September 1, 2023, and have been removed from this legal policy.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **FED(LLEGAL) ATTENDANCE: ATTENDANCE ENFORCEMENT**

HB 3917 allows a parent against whom a complaint for contributing to nonattendance has been filed to enter a written agreement to complete counseling, training, or another program designated by the district. (See page 10.)

#### **FFAC(LLEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT**

SB 629 requires a district to adopt a policy regarding maintenance, administration, and disposal of opioid antagonists at each campus that serves students in grades 6 through 12; a district may adopt a policy at campuses serving students in grades below 6. Provisions have been added beginning on page 4 regarding reporting, training, immunity, and other topics.

General provisions related to the administration of opioid antagonists have been deleted in light of the new requirements.

SB 294 revises provisions related to a district's option to adopt a policy regarding maintenance, administration, and disposal of medication for respiratory distress. A district that adopts a policy must require each campus to have at least one authorized and trained person present during regular school hours. Provisions have been added beginning on page 11 regarding required referrals after medication is administered, training, reporting, parental notice of the policy, and other topics.

Also under SB 294, a district that implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors must give notice *of the policy* to parents before the policy is implemented or before the start of each school year. (See page 10.)

Finally, SB 294 prohibits disciplinary action against an employee or volunteer who refuses to administer or receive training to administer epinephrine auto-injectors or medication for respiratory distress in accordance with board policy. (See pages 13-14.)

#### **FFAC(LLOCAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT**

Recommended revisions to this policy are based on SB 629, which requires a district to adopt a policy regarding maintenance, administration, and disposal of opioid antagonists at each campus that serves students in grades 6 through 12. The enclosed policy reflects the grade levels to which this new provision will apply based on information recently received from the district.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### **FFAF(LLEGAL) WELLNESS AND HEALTH SERVICES: CARE PLANS**

SB 1506 requires a student's seizure management and treatment plan to be on a form adopted by TEA. TEA must adopt the form by December 1, 2023, and post the form on the TEA website. (See page 5.)

#### **FFB(LLEGAL) STUDENT WELFARE: CRISIS INTERVENTION**

The required policies and procedures for the district's threat assessment and safe and supportive school team are changed as follows (see pages 1-2):

- Under HB 3, the policy must require each campus to establish a procedure for students to report concerning behavior by another student.
- SB 1720 requires the policy to allow employees who report a potential threat to elect to keep their identities confidential.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

Before the threat assessment and safe and supportive school team may conduct a threat assessment, HB 473 requires the team to notify a student's parent regarding the assessment. The team must also notify the parent of its findings and conclusions after the assessment.

HB 3 also requires that materials and information from a threat assessment be maintained in the student's school record until the student's 24th birthday.

### **FFB(LOCAL)                      STUDENT WELFARE: CRISIS INTERVENTION**

Recommended revisions to this local policy on crisis intervention include the following:

- In accordance with HB 3, provisions have been added at Student Reports to require each campus to establish a clear procedure for students to report concerning behavior by another student.
- Revisions at Employee Confidentiality are based on SB 1720 and allow employees who report a potential threat to elect to keep their identities confidential.

### **FFBA(LEGAL)                      CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

This policy on trauma-informed care has been updated to include a reference to policy DMA for more information on mental health training for district employees.

### **FFEA(LEGAL)                      COUNSELING AND MENTAL HEALTH: COUNSELING**

HB 1605 clarifies that materials required to be made available for parent review are those that are not available digitally through an instructional materials parent portal. (See page 1.)

HB 4363 requires that notice be given to students, teachers, counselors, and parents of Future Texas Teachers Scholarship programs. (See page 3.)

### **FFG(LEGAL)                      STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

HB 63 prohibits the Department of Family and Protective Services from taking anonymous reports of abuse or neglect. Revisions have been made to the required contents of a report, including the name and contact information of the person making the report. (See page 3.) Other provisions have been rearranged for clarity.

### **FL(LEGAL)                      STUDENT RECORDS**

Information regarding enrollment records has been deleted from this policy to avoid unnecessary duplication of the same information in policy FD. A reference to that policy has been added on page 4.

The following provisions have been relocated to new policy FA(LEGAL) dedicated to parental rights:

- Parental rights regarding consent to surveys and information collection.
- Parental consent requirements related to videotaping or recording students.

### **FL(LOCAL)                      STUDENT RECORDS**

HB 1416 repeals provisions related to accelerated learning committees. The references to the accelerated learning committee have been replaced with references to the accelerated education plan that now must be created for certain students who fail to perform satisfactorily on state assessments.

The [Legal Issues in Update 122](#) memo describes common legal concerns and best practices specific to this policy's topic.

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### **Eagle Pass ISD**

#### **FM(LLEGAL)                      STUDENT ACTIVITIES**

HB 1002 allows a licensed chiropractor or physical therapist to serve on the concussion oversight team if the person meets the training requirements. (See pages 4-5.) This bill also allows a physical therapist to remove a student from practice or competition if the physical therapist believes the student has sustained a concussion. (See page 5.)

HB 2484 requires a district to provide a peace officer, SRO, administrator, or security personnel at an athletic event on district property to ensure the safety of an official of the activity under certain circumstances. (See page 8.) This bill also requires a district to prohibit a spectator from attending athletic activities for at least a year if the spectator causes bodily injury to an official because of the official's actions. (See page 18.)

HB 59 implements new requirements for organized water activities including parental affirmation of whether a child can swim and provision of flotation devices for children who cannot swim. (See pages 9-10.)

HB 699 requires UIL, in assigning league classification, to use the same student enrollment calculation formula for a school that allows homeschooled students to participate in UIL activities as for one that does not. (See pages 15-16.)

HB 3708 provides an allotment of \$1,500 for each UIL activity in which a district allows a homeschooled student to participate. (See page 16.)

An existing provision that a nurse or health-care professional who is not in compliance with training requirements may not serve on a concussion oversight team has been relocated from GKG. (See page 5.)

#### **FNCA(LLEGAL)                      STUDENT CONDUCT: DRESS CODE**

HB 567 prohibits a student dress or grooming policy, including an extracurricular dress code, that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. In light of this new Education Code provision, citations to older caselaw have been deleted.

#### **FNCC(LLEGAL)                      STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING**

SB 1900 expands the offense of coercing, inducing, or soliciting membership in a criminal street gang to include a foreign terrorist organization. (See page 1.)

SB 37 allows a report of hazing to be made to a peace officer or law enforcement agency. Provisions regarding immunity for reporting hazing have been added to this legal policy. (See page 2.)

#### **FNCD(LLEGAL)                      STUDENT CONDUCT: TOBACCO USE AND POSSESSION**

This legal policy on tobacco use and possession has been updated to include a reference to policy FOC regarding the new disciplinary consequences for conduct involving e-cigarettes.

#### **FNCF(LLEGAL)                      STUDENT CONDUCT: ALCOHOL AND DRUG USE**

This legal policy has been updated on page 1 to increase the population threshold for certain districts to petition for an alcohol-free zone. (HB 4559)

#### **FNCG(LLEGAL)                      STUDENT CONDUCT: WEAPONS**

HB 114 clarifies that the procedural requirements of Education Code 37.009(a) regarding conference and mitigating factors apply to expulsion. (See Possession of Weapons on page 1.)

# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### **FNG(LLEGAL)                      STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

Provisions outlining parental rights have been relocated to new policy FA(LLEGAL) dedicated to parent rights.

#### **FO(LLEGAL)                      STUDENT DISCIPLINE**

A district peace officer or security personnel may not restrain or use a chemical irritant or Taser on a student in fifth grade or below unless the student poses a serious risk of harm (see page 6). (SB 133)

#### **FOC(LLEGAL)                      STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING**

Several bills impact this legal policy regarding placement in a DAEP.

- HB 114:
- Clarifies that the procedural requirements of Education Code 37.009(a) regarding conference and mitigating factors apply to placement in a DAEP (see page 1).
- Requires DAEP placement for certain conduct involving e-cigarettes (see item 5 on page 2).
- Allows placement in in-school suspension of students who engaged in certain conduct when DAEP is at capacity (see page 9).
- HB 2187 expands the Title V felony offense of abandoning or endangering a child to include elderly or disabled individuals. (See item 25 on page 4.)
- HB 3928 requires the district, upon placement of a student in DAEP, to provide information to the parent about the process to request an evaluation of the student for special education services. (See page 8.)

#### **FOCA(LLEGAL)                      PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS**

HB 114 allows a program of educational and support services to be provided to a student and the student's parents when a DAEP offense involves e-cigarettes. (See page 5.)

HB 3928 requires the personalized transition plan for a student exiting a DAEP to include the provision of information to the parent about the process to request an evaluation of the student for special education services. (See pages 6-7.)

#### **FOD(LLEGAL)                      STUDENT DISCIPLINE: EXPULSION**

HB 114 clarifies that the procedural requirements of Education Code 37.009(a) regarding conference and mitigating factors apply to expulsion. For ease of reference, content related to pre-placement proceedings has been duplicated in this policy. (See page 6.)

This legal policy also has been updated to increase the population threshold for certain counties considered to be a county with a population of 125,000 or less for purposes of JJAEP requirements (see page 10). (HB 4559)



# Explanatory Notes

## TASB Localized Policy Manual Update 122

### Eagle Pass ISD

#### FODA(LLEGAL)

#### EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

This legal policy has been updated to increase population thresholds for certain counties considered to be a county with a population of 125,000 or less for purposes of JJAEP requirements. (See pages 1-2.) (HB 4559)

#### GBA(LLEGAL)

#### PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

Several legislative changes affect this legal policy on access to public information.

- HB 1161 adds victims of child abduction to those covered by the address confidentiality program. (See page 10.)
- HB 3130 restricts the release of information about certain persons who hold or apply for a license issued by the district. (See page 12.)
- HB 4123 prohibits the release of criminal history record information (CHRI) obtained from the FBI and limits the release of CHRI obtained from other Texas criminal justice agencies. (See page 12.)
- HB 3033 provides that the litigation exception to disclosure does not apply to election information in the possession of the entity that administers elections. (See page 16.)
- HB 30 and HB 3033 address the release of information related to certain arrests and crimes. (See page 17.)

#### GBAA(LLEGAL)

#### ACCESS TO PUBLIC INFORMATION: REQUESTS FOR INFORMATION

Numerous revisions throughout this legal policy on requests for information are the result of HB 3033, including the following:

- The attorney general (AG) may require board members and the officer for public information to complete Public Information Act (PIA) training if the AG determines the district has failed to comply with a requirement of the PIA. (See page 4.)
- "Business day" is defined. A board may designate 10 nonbusiness days each calendar year. (See page 7.)
- With limited exceptions, a district must submit a request for an AG decision through the AG's electronic filing system. (See page 14.)
- A district must take certain actions as soon as practicable after receiving an AG decision. (See pages 20-21.)
- A district may request photo identification from a requestor to establish the requestor has not exceeded a personnel time limit and concealed the requestor's identity. A requestor may decline to provide identification and pay a charge for exceeding the time limit. (See page 30.)

The list of state and national holidays has been added on page 8.

#### GC(LLEGAL)

#### PUBLIC NOTICES

This legal policy has been updated to increase the population threshold for the selection of the newspaper for publication of notice in certain counties (see page 2). (HB 4559)

Explanatory Notes  
TASB Localized Policy Manual Update 122

**Eagle Pass ISD**

**GKA(LLEGAL)                      COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

HB 1760 modifies the Penal Code regarding places where weapons are prohibited to require that grounds on which a school-sponsored activity is occurring be owned by and under the control of a school. (See page 7.)

**GKC(LLEGAL)                      COMMUNITY RELATIONS: VISITORS**

HB 3 allows a district to eject a person on district property who fails or refuses to provide identification on request if the person reasonably appears to have no legitimate reason to be on district property.

**GKG(LLEGAL)                      COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM**

HB 4123 allows a district to obtain criminal history record information (CHRI) from the Department of Public Safety, in addition to other agencies, about a volunteer who is excepted from the required CHRI check but subject to a discretionary check by the district. (See page 2.)

Provisions related to the concussion oversight team have been relocated to FM(LLEGAL).

**GRAC(LLEGAL)                      STATE AND LOCAL GOVERNMENTAL AUTHORITIES: JUVENILE SERVICE PROVIDERS**

HB 446 changed terminology used in statutes to refer to intellectual disability. (See item 8 on page 2.)

**GRB(LLEGAL)                      RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS**

This policy has been updated to increase the population threshold for municipalities to contract with one or more school districts to provide school crossing guards. (HB 4559)



## (LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

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**Note:** While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make formatting changes appear tracked, even though the text remains the same.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

**Contact:**

**School Districts and  
Education Service Centers**

[policy.service@tasb.org](mailto:policy.service@tasb.org)

800.580.7529

**Community Colleges**

[colleges@tasb.org](mailto:colleges@tasb.org)

800.580.1488

TECHNOLOGY RESOURCES  
CYBERSECURITY

CQB  
(LOCAL)

**Plan** The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.

**Coordinator** The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency in cybersecurity matters.

**Training** The Board delegates to the Superintendent the authority to:

1. Determine the cybersecurity training program to be used in the District;
2. Verify and report compliance with training requirements in accordance with guidance from the Department of Information Resources; and
3. Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate.

The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.

**Security Breach Notifications** Upon discovering or receiving notification of a breach of system security or a security incident, as defined by law, the District shall disclose the breach or incident to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:

1. Written notice.
2. Email, if the District has email addresses for the affected persons.
3. Conspicuous posting on the District's websites.
4. Publication through broadcast media.

The District shall disclose a breach or incident involving sensitive, protected, or confidential student information as required by law.

**Building Access  
Control**

Audits of building access control shall include weekly inspections of instructional facilities during school hours to certify all exterior doors are, by default, set to closed, latched, and locked status and cannot be opened from the outside without a key.

The Superintendent shall ensure that the findings of the weekly inspections are:

1. Reported to the District safety and security committee; and
2. Reported to the campus principal or lead administrator of the instructional facility to ensure awareness of any deficiencies identified.

The campus principal or lead administrator shall assign appropriate staff to take action to reduce the likelihood of similar deficiencies in the future.

The results of the weekly reports shall be kept for review as part of the required safety and security audit.

The District's building access control procedures shall not be interpreted as discouraging parents or guardians who have been properly verified as authorized visitors from visiting their student's campus. [See GKC]

EMPLOYMENT PRACTICES

DC  
(LOCAL)

**Personnel Duties** The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

**Posting Vacancies** The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

**Applications** All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

**Employment of Contractual Personnel** The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.

The Board retains final authority for employment of contractual personnel. [See DCA, DCB, DCC, and DCE as appropriate]

**Employment of Noncontractual Personnel**

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**Note:** For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

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The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

**Employment Assistance Prohibited**

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

**Dyslexia and Related Disorders**

The District shall comply with all rules and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test students for dyslexia and related disorders.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

~~SPECIAL PROGRAMS  
COMPENSATORY SERVICES AND INTENSIVE PROGRAMS~~

EHBC  
(LOCAL)

~~Each student who has been identified as being at risk of dropping out of school, who is not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment shall be provided accelerated and/or compensatory educational services.~~

**Accelerated  
Instruction**

~~The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily on a state-mandated assessment.~~

**Accelerated  
Learning Committee**

~~When a student fails to perform satisfactorily on a math or reading state-mandated assessment in grades 3, 5, or 8, an accelerated learning committee shall develop a written educational plan in accordance with law. If a parent requests that the student be assigned to a particular teacher the following school year, the request shall be addressed in accordance with the District's administrative procedures.~~

~~A parent complaint about the content or implementation of the educational plan shall be filed in accordance with FNG.~~



COMPENSATORY SERVICES AND INTENSIVE PROGRAMS  
ACCELERATED INSTRUCTION

EHBCA  
(LOCAL)

Each student who has been identified as being at risk of dropping out of school, who is not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment shall be provided accelerated and/or compensatory educational services.

**Accelerated  
Instruction**

The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily on a state-mandated assessment.

**Parent Request**

If a student fails to perform satisfactorily on a state-mandated assessment, a parent's request that the student be assigned to a particular teacher the following school year shall be addressed in accordance with the District's administrative procedures.

**Accelerated  
Education Plan**

Appropriate District staff shall develop an accelerated education plan for a student who fails to perform satisfactorily on the same state-mandated assessment for two or more consecutive years.

A parent complaint about the content or implementation of the accelerated education plan shall be filed in accordance with FNG.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LOCAL)

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

**Excused Absences**

In addition to excused absences required by law, the District shall excuse absences for the following purposes. A student shall be required to submit verification of these absences in accordance with administrative regulations.

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education.

Career Investigation

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit a professional's workplace for purposes of exploring the student's interest in pursuing a career in that professional's field.

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard.

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk.

Learner or Driver's License

The District shall excuse a student 15 years of age or older for one day during his or her enrollment in high school for each of the following:

- Visiting a driver's license office to obtain a learner license; or
- Visiting a driver's license office to obtain a driver's license.

[For extracurricular activity absences, see FM.]

**Withdrawal for Nonattendance**

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ~~ten~~10 consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

**Students Attending Homeschools**

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LOCAL)

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing  
Compulsory  
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

**Medication Provided  
by Parent**

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

**No Medication  
Provided by District**

~~The~~ Except as required by law and provided by this policy, the District shall not purchase medication to administer to a student.

**Opioid Antagonist**

This provision shall be applicable to every campus.

*On Campus*

The District authorizes school personnel who have been adequately trained to administer an opioid antagonist in accordance with law and this policy. Administration of an opioid antagonist shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing an opioid-related overdose.

Each applicable campus shall have at least one individual who is authorized and trained to administer an opioid antagonist present during regular school hours.

*Maintenance,  
Availability,  
Training, and  
Reporting*

Each applicable campus shall have at least two unused, unexpired opioid antagonist doses available.

All opioid antagonists shall be stored in a secure location and shall be easily accessible by individuals who are authorized and trained to administer an opioid antagonist.

The Superintendent shall develop administrative regulations addressing acquisition, maintenance, expiration, and disposal of opioid antagonists in the District, as well as reporting, employee training, and emergency notification requirements.

**Psychotropics**

Except as permitted by law, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

**Medical Treatment**

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

**Threat Assessment  
and Safe and  
Supportive Team**

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

**Training**

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

**Student Reports**

Each campus shall establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate District employee.

**Employee  
Confidentiality**

A District employee who reports a potential threat may elect for the employee's identity to remain confidential and not be subject to disclosure under the state's public information law. The employee's identity shall only be revealed when necessary for the team, the District, or law enforcement to investigate the reported threat.

The District shall maintain a record of the identity of a District employee who elects for the employee's identity to remain confidential.

**Imminent Threats or  
Emergencies**

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

**Threat Assessment  
Process**

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures, the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.
2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.
3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student:

1. To a local mental health authority or health-care provider for evaluation or treatment; or
2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School  
Community

The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.

Reports

The team shall provide reports to the Texas Education Agency as required by law.

STUDENT RECORDS

FL  
(LOCAL)

**Comprehensive System**

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

**Cumulative Record**

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

**Medicaid Records**

For students receiving Medicaid reimbursable services from the District, the District's current billing practice transmits certain individually identifiable health information electronically so that the District may receive Medicaid payments for such services. This information qualifies as an "education record" and is generally protected from public disclosure under the Family Educational Rights and Privacy Act (FERPA). [See also FLA(LOCAL)]

**Custodian of Records**

The ~~principal~~ principal is custodian of all records for currently enrolled students. ~~The Superintendent~~ The Superintendent is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

**Types of Education Records**

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including ~~any documentation of discussion or action by an accelerated~~



~~learning committee convened~~ education plan developed for the student.

5. Health services record, including:
  - a. The results of any tuberculin tests required by the District.
  - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]
  - c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, school counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

**Access by Parents**

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requester's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or school counselor's office, or

other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

**Access by School  
Officials**

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
5. A person appointed to serve on a team to support the District's safe and supportive school program.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;

STUDENT RECORDS

FL  
(LOCAL)

2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or
5. Investigating or evaluating programs.

**Transcripts and  
Transfers of Records**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the timeline provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), Required Documentation] The District may return an education record to the school identified as the source of the record.

**Records  
Responsibility for  
Students in Special  
Education**

~~The director of special education~~ The director of special education shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at ~~the special education office~~ the special education office.

**Procedure to Amend  
Records**

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ~~ten~~ 10 District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ~~ten~~ 10 District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they

have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**Directory Information**

Directory information for District students has been classified into two separate categories:

1. Items for use only for school-sponsored purposes; and
2. Items for all other purposes.

**School-Sponsored Purposes**

~~For the following school-sponsored purposes—all District publications and announcements~~all District publications and announcements—directory information shall include ~~student name; address; telephone listing; photograph; date of birth; major field of study; degrees, honors, and awards received; dates of attendance; most recent educational institution attended; participation in officially recognized activities and sports; weight and height of members of athletic teams; and enrollment status~~student name; address; telephone listing; photograph; date of birth; major field of study; degrees, honors, and awards received; dates of attendance; most recent educational institution attended; participation in officially recognized activities and sports; weight and height of members of athletic teams; and enrollment status.

**All Other Purposes**

For all other purposes, directory information shall include ~~student name~~.student name.