

Explanatory Notes

TASB Localized Policy Manual Update 98

District: Brackett ISD

ATTN (LOCAL) POLICY REVIEW

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to bills from the 83rd Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted. Throughout the explanatory notes, House Bill is abbreviated as HB and Senate Bill is abbreviated as SB.

SB 715 makes amendments throughout the Texas Education Code to clarify that the terms “counselor,” “guidance counselor,” and “high school counselor” refer to a *school* counselor. We have adjusted the terminology throughout the affected legally referenced policies as a result. Adjustments to the local policies that are not included in this update will be made at future updates.

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

An obsolete note regarding the effective dates of this legally referenced material on accreditation and performance indicators has been deleted from the beginning of the policy.

New STUDENT ACHIEVEMENT INDICATORS as added by HB 5 are reflected on page 2. The new indicators include the percentage of students completing the distinguished level of achievement; the percentage of students completing an endorsement; and at least three additional indicators, which must include either the percentage of students who satisfy the college readiness benchmarks in reading, writing, or math; or the number of students who earn at least 12 hours of postsecondary credit, at least 30 hours of postsecondary credit, an associate's degree, or an industry certification.

SB 1538 defines when the Commissioner must designate a school district or campus as a DROPOUT RECOVERY SCHOOL on page 3 and includes specific accountability provisions for these schools on page 5 at PERFORMANCE RATINGS.

As required by HB 5, DISTRICT AND CAMPUS DISTINCTION DESIGNATIONS must be referenced in connection with the district or campus performance rating and made publicly available with the performance rating. HB 5 also requires the Commissioner to establish academic distinction designations relating to postsecondary readiness.

CAMPUS DESIGNATIONS were also modified by HB 5 to recognize outstanding performance in improvement in student achievement; closing student achievement differentials; academic achievement in English, math, science, or social studies; and advanced middle or junior high school student achievement. The designations in fine arts, physical education, 21st Century Workforce Development, and second language acquisition were eliminated by HB 5.

AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

An obsolete note regarding the effective dates of this legally referenced material on performance reporting has been deleted from the beginning of the policy.

HB 5 requires a district to use criteria developed by a local committee to evaluate and assign a performance rating for the district and each campus on specific categories of community and student engagement and compliance with statutory reporting and policy requirements. See PERFORMANCE AND COMPLIANCE REPORTING on page 3. The district must report the ratings to TEA annually by August 8.

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AID (LEGAL) ACCOUNTABILITY FEDERAL ACCOUNTABILITY STANDARDS

When a school is identified for improvement, corrective action, or restructuring, the district must provide an ANNUAL NOTICE to parents about supplemental educational services. See page 4. HB 753 requires the notice to include a statement provided by TEA that: (1) identifies characteristics of supplemental educational services that have been demonstrated to be more likely to foster academic improvement, and (2) for each subject, sorts the service providers according to level of effectiveness.

TEA must notify affected districts if it revokes approval of a provider, and districts must inform parents of the revocation.

BBB (LEGAL) BOARD MEMBERS ELECTIONS

We have deleted obsolete provisions about adjustments to terms and changing to a November election date.

The recent U.S. Supreme Court case, *Shelby County, Alabama v. Holder*, held that the provision in the Voting Rights Act that includes the formulas to determine which political subdivisions are subject to preclearance is unconstitutional. As a result, we have deleted provisions requiring preclearance.

A procedural provision requiring the secretary of state to develop a notice of voting rights hotline has been deleted.

A general reference to retention requirements for ELECTION RECORDS replaces several more detailed provisions throughout.

SB 910 permits the DELIVERY OR SUBMISSION OF ELECTION DOCUMENTS by facsimile, changes the deadline to file an application for a SPECIAL ELECTION, and eliminates the option for a district to set a date by which a candidate's application must be filed for a special election.

Details regarding the order of names on the BALLOT have been deleted in lieu of a reference to Chapter 52 of the Election Code.

A new provision from HB 506 has been added requiring certain districts conducting a November election to designate as a POLLING PLACE FOR EARLY VOTING any early polling place established by the county and located in the district. A polling place that is designated as a main early voting polling place must be open for voting for all political subdivisions served by the polling place for at least the days and hours required of a main early voting polling place for the entity making the designation.

HB 259 defines ELECTIONEERING and restricts a district that owns or controls a public building where voting occurs from prohibiting electioneering on the building's premises outside of the 100 foot marker prescribed by law. The district may, however, enact reasonable regulations regarding the time, place, and manner of electioneering.

Detailed provisions about the use of wireless communication devices have been deleted.

The canvass deadline for November elections was modified by HB 985. The time for the district to canvass early voting results may occur not later than the 14th day after election day. See EARLY VOTING CANVASS-NOVEMBER ELECTION.

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BBC (LEGAL) BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

SB 910 requires a special election to fill a vacancy to be held on the first uniform election date occurring on or after the 45th, rather than the 30th, day after the election is ordered. See ORDERING ELECTION.

The recent U.S. Supreme Court case, *Shelby County, Alabama v. Holder*, held unconstitutional the provision in the Voting Rights Act that includes the formulas to determine which political subdivisions are subject to preclearance. As a result, we have deleted provisions requiring preclearance.

BBE (LEGAL) BOARD MEMBERS
AUTHORITY

Revisions to this legally referenced policy addressing board member ACCESS TO INFORMATION are from HB 628. This bill grants a school board member, when acting in the member's official capacity, access to information, documents, and records maintained by the district. The district must provide the information requested without requiring the board member to submit a Public Information Act (PIA) request and regardless of whether the requested items are the subject of or relate to an item listed on the agenda for an upcoming meeting.

The district may withhold or redact information, a document, or a record that is excepted from disclosure or is confidential under the PIA or other law. This bill also does not require the district to provide information that is not subject to disclosure under FERPA.

The district must post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member if the requests are for 200 or more pages of material in a 90-day period. And the district must report annually to TEA the number of requests submitted by a board member during the preceding school year and the total cost to the district of responding to requests during that school year.

BBE (LOCAL) BOARD MEMBERS
AUTHORITY

As a result of HB 628 addressing board member access to information, described above, recommended revisions to this local policy clarify existing practice and broaden the scope of the current provisions addressing LIMITATIONS on an individual board member's access to information beyond student records. New provisions apply to any type of information and specify that if a board member is not acting in his or her official capacity, the board member has no greater access to district records than a member of the public. However, a board member who is denied access to a record may ask the board to determine whether the record should be provided or may file a request under the Public Information Act, which includes procedures for obtaining an attorney general decision. Access to confidential student records remains limited to situations where the board member is acting in his or her official capacity and has a legitimate educational interest in the records.

At REQUESTS FOR RECORDS, we recommend adding a reminder of the district's legal obligations to track and report requests from board members, including the cost of responding to one or more requests by any individual board member for 200 or more pages of material in a 90-day period.

This policy has been updated throughout for consistency with policy style.

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**BBI (LEGAL) BOARD MEMBERS
TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

This new legally referenced policy was added to include provisions from HB 2414 regarding WRITTEN ELECTRONIC COMMUNICATIONS. This bill provides that a communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation under the Open Meetings Act (OMA) if:

- The communication is in writing;
- The writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and
- The communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

A board may have only one online message board for this purpose, must own or control the message board, and must prominently display the message board on the district's primary Internet Web page.

The online message board may only be used by board members or district staff who have received specific authorization from a member of the board. Staff members must post their name and title when posting on the message board on behalf of a board member.

If the district removes a communication from the online message board, the district must maintain the posting for six years. This communication is public information and must be disclosed in accordance with the Public Information Act (PIA).

The board is prohibited from voting or taking any action that is required to be taken at a meeting by posting a communication to the online message board. Communications or postings shall not be construed as an action of the board.

**BDF (LEGAL) BOARD INTERNAL ORGANIZATION
CITIZEN ADVISORY COMMITTEES**

HB 1018 requires the school health advisory council (SHAC) to establish a PHYSICAL ACTIVITY AND FITNESS PLANNING SUBCOMMITTEE to consider issues and make policy recommendations related to students' physical activity and fitness.

BE (LEGAL) BOARD MEETINGS

Definitions of "RECORDING" and "VIDEOCONFERENCE CALL" have been moved to the beginning of this legally referenced policy to be grouped with the other definitions.

The definition of "MEETING" was amended by HB 2414, as reflected in full at BBI(LEGAL), above. A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation under the OMA if:

- The communication is in writing;
- The writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

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- The communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

At MINUTES beginning on page 2, SB 471 updates language regarding recording of board meetings to delete references to *tape* recordings.

Extensive revisions to MEETING BY VIDEOCONFERENCE CALL beginning on page 7 are from SB 984 and HB 2414:

- A board member or district employee may participate by videoconference call if the video and audio feed is broadcast live at the meeting and complies with the requirements described in the policy. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes.
- A board may hold a meeting by videoconference call if (1) the board makes available to the public a physical space located in the district's geographic jurisdiction that is equipped with appropriate equipment so that a member of the public can provide testimony or participate in the meeting, (2) the presiding board member is present at that physical space, and (3) any member of the public at the physical space has the opportunity to participate in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call.
- The physical space at which the presiding officer is present must be open to the public during the open portions of the meeting.
- The NOTICE of a meeting to be held by videoconference call must specify as a location of the meeting the location where the presiding officer will be physically present.
- The district must meet specific requirements regarding the QUALITY OF AUDIO AND VIDEO SIGNALS.
- The board is required to make an audio RECORDING of any meeting held by videoconference call and must make the recording available to the public.

BEC (LEGAL) BOARD MEETINGS CLOSED MEETINGS

Revisions throughout this legally referenced policy on closed meetings are a result of SB 471, which updates language regarding recording of board meetings to delete references to *tape* recordings. Also from SB 471 is a definition of "recording," at the bottom of page 3.

BR (LEGAL) REPORTS

Two new reports have been added at REPORTS BY DISTRICT:

- At item 5, HB 5 requires a district to report to TEA its ratings on community and student engagement and on compliance with statutory reporting and policy requirements. See AIB(LEGAL) above for more information.
- At item 9, HB 628 requires, by September 1 of each year, a district to report to TEA regarding the number of individual board member requests during the preceding school year for information, documents, and records and the total cost to the district of responding to such requests. See BBE(LEGAL) above for more information.

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A change on page 12 from HB 585 permits the board to authorize the reappraisal of any damaged property if the district is located partly or entirely inside an area declared by the governor to be a DISASTER AREA. Previous law referred to a *natural disaster area*.

On page 15, changes to the text at TEXAS ECONOMIC DEVELOPMENT ACT are from HB 3390, which made extensive revisions to the Act.

The recent U.S. Supreme Court case, *Shelby County, Alabama v. Holder*, held unconstitutional the provision in the Voting Rights Act that includes the formulas to determine which political subdivisions are subject to preclearance. As a result, we have deleted provisions requiring preclearance.

CCH (LEGAL) LOCAL REVENUE SOURCES APPRAISAL DISTRICT

As reflected at FORMER PROPERTY APPRAISER OR OWNER REPRESENTATIVE, on page 2, HB 585 prohibits a person from serving on an appraisal district board of directors if the person has been paid during the prior five years either to appraise property for use in appraisal district proceedings or to represent property owners in the proceedings.

The EXCEPTION in law that required the local administrative district judge to appoint the appraisal review board members only in Harris and Fort Bend counties was revised by HB 585 to require the local administrative district judge to appoint the appraisal review board members in any county with a population of 120,000 or more. See page 5.

CDB (LEGAL) OTHER REVENUES SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

A new provision from SB 2 requires a district intending to sell, lease, or allow the non-district use of an unused or underused district facility to give each open-enrollment charter school located within the district an opportunity to make an offer to purchase, lease, or use the facility before offering the facility to another entity. Such offer must be in response to the terms set out by the school board. The school board is not required to accept the offer made by a charter school. See OPEN-ENROLLMENT CHARTER SCHOOL OFFER on page 1.

CDBA (LEGAL) SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY REVENUE BONDS FROM PROCEEDS

At JUNIOR COLLEGE BRANCH CAMPUS, HB 2474 provides that, if a county or school district issues bonds payable from revenue to finance the purchase of land or the construction of a branch campus, center, or extension facility for a community college, the bonds may be secured by a trust indenture, a deed of trust, or a mortgage granting a security interest in the land or facility. This allows districts to provide additional security for the bonds as sometimes requested by municipal bond rating agencies.

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CE (LEGAL) ANNUAL OPERATING BUDGET

HB 5 requires a district that must provide accelerated instruction to separately budget sufficient funds, including compensatory education funds, for that purpose. Compensatory education funds may not be budgeted for any other purpose until the district sets a budget for accelerated instruction. See FUNDS FOR ACCELERATED INSTRUCTION.

SB 1536 permits a district to donate funds or other property or service to the Texas State Guard, in addition to the existing provision allowing such donations to the adjutant general's department and the Texas National Guard. See CERTAIN DONATIONS.

CH (LEGAL) PURCHASING AND ACQUISITION

Current law prohibits a school district from awarding a contract to an OUT-OF-STATE BIDDER unless the nonresident bidder underbids the lowest bid submitted by a Texas bidder by a certain amount, which is based on the state law in which the nonresident bidder's principal place of business is located. HBs 1050 and 3648 also permit a district to calculate that amount by looking to the law of the state in which a majority of the manufacturing relating to the contract will be performed. See page 3.

HB 1050 also addresses INTERLOCAL AGREEMENTS, beginning on page 7. A new provision prohibits a school district from entering into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless a person designated by the district certifies in writing that: (1) the project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under the Texas Engineering Practice Act or the Texas Board of Architectural Examiners, or (2) required plans and specifications have been prepared. The bill also includes a definition of "purchasing cooperative."

CI (LEGAL) SCHOOL PROPERTIES DISPOSAL

A new provision from SB 211 restricts a school district's ability to dispose of surplus or salvage property acquired from the Texas Facilities Commission for two years from the date it was acquired.

CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. The reference on page 3 has been changed accordingly.

CMD (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Changes at FUNDING, beginning on page 1, are from HB 5. As early as practicable each fiscal year the Commissioner shall provide each district an estimate of instructional material (IM) funding for the next fiscal year. Districts can place an IM order before the next fiscal year for up to 80 percent of the estimate. The Commissioner will prioritize payment of these pre-orders. A publisher may decline such an order.

We have also deleted an obsolete provision dictating the order in which instructional materials could be purchased during the 2011-13 biennium.

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CNC (LEGAL) TRANSPORTATION MANAGEMENT TRANSPORTATION SAFETY

HB 347 extends the prohibition against using WIRELESS COMMUNICATION DEVICES while operating a vehicle in a school crossing zone to include school property. A person may not use a wireless communication device while operating a vehicle on the property of a school that has a school crossing zone during the time a reduced speed limit is in effect unless the vehicle is stopped or a hands-free device is being used.

The offense of DISRUPTION OF TRANSPORTATION on page 3 was amended by SBs 393 and 1114. SB 1114 provides that a primary or secondary student cannot commit the offense. SB 393 provides that it is an exception to the application of the offense that a person was younger than 12 years of age at the time the person engaged in the prohibited conduct.

CO (LEGAL) FOOD SERVICES MANAGEMENT

HB 1781 imposes LIMITATIONS ON SANCTIONS that the Texas Department of Agriculture (TDA) can apply to a district. TDA may not sanction a school district, including disallowing meal reimbursement, for selling food of minimal nutritional value to high school students if the school approves the sale in advance and the sale is made:

- Outside of a school area designated for food service or food consumption or not during a school meal service period; and
- For student organization fundraising or an activity sponsored or sanctioned by the school or the school district.

CPAB (LEGAL) OFFICE COMMUNICATIONS MAIL AND DELIVERY

Amended rules from the Texas Ethics Commission change the definition of POLITICAL ADVERTISING to exclude an individual communication by e-mail and include mass e-mails involving an expenditure of funds beyond the cost of hardware, messaging software, and bandwidth.

CPC (LEGAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

SB 471 now requires the board to preserve the *recording* rather than *tape recording* of the certified agenda. See PRESERVATION OF RECORDS on page 4.

CR (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

In accordance with SB 531, a district may purchase reinsurance for a risk covered through a self-insurance fund and may satisfy a law or regulation requiring insurance by coverage provided through the fund. See SELF-INSURANCE FUND on page 1.

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CS (LEGAL) FACILITY STANDARDS

SB 1556 repeals the statutory provision requiring the Texas School Safety Center to develop SECURITY CRITERIA for school districts to use in the design of instructional facilities. Districts must now consider *appropriate* security criteria in the design of new instructional facilities or major renovations of existing facilities. See page 3.

CV (LEGAL) FACILITIES CONSTRUCTION

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. References throughout this legally referenced policy have been changed accordingly.

Current law prohibits a school district from awarding a contract to an OUT-OF-STATE BIDDER unless the nonresident bidder underbids the lowest bid submitted by a Texas bidder by a certain amount, which is based on the state law in which the nonresident bidder's principal place of business is located. HBs 1050 and 3648 also permit a district to calculate that amount by looking to the law of the state in which a majority of the manufacturing relating to the contract will be performed. See page 3.

HB 1050 addresses CERTIFICATION FOR PURCHASES THROUGH PURCHASING COOPERATIVES, beginning on page 5. A new provision prohibits a school district from entering into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless a person designated by the district certifies in writing that: (1) the project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under the Texas Engineering Practice Act or the Texas Board of Architectural Examiners, or (2) required plans and specifications have been prepared. The bill also includes a definition of "purchasing cooperative."

CVA (LEGAL) FACILITIES CONSTRUCTION COMPETITIVE BIDDING

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. References throughout this legally referenced policy have been changed accordingly.

CVC (LEGAL) FACILITIES CONSTRUCTION CONSTRUCTION MANAGER-AGENT

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. References throughout this legally referenced policy have been changed accordingly.

CVD (LEGAL) FACILITIES CONSTRUCTION CONSTRUCTION MANAGER-AT-RISK

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. References throughout this legally referenced policy have been changed accordingly.

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CVF (LEGAL) FACILITIES CONSTRUCTION
JOB ORDER CONTRACTS

SB 1093 redesignated Chapter 2267 of the Government Code as Chapter 2269 of the Government Code. References throughout this legally referenced policy have been changed accordingly.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

SB 715 adds a requirement that licensed professional counselors have a LICENSE from the state agency that licenses that profession to be employed by the district. See pages 1-2.

On page 9 at ACCESS TO EMPLOYEE RECORDS, HB 2961 clarifies that a social security number in the district's custody is confidential. The district cannot require an employee or former employee to choose whether to allow public access to his or her social security number.

DBA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

To comply with the policy requirement from HB 2961 [see DC(LEGAL) below], we recommend a new provision stating that the district will not use an employee's SOCIAL SECURITY NUMBER as an employee identifier, except for tax purposes as allowed by the new law, and will keep the social security numbers confidential.

We have retained unchanged the district's locally developed requirements at CPR AND FIRST AID CERTIFICATION.

DC (LEGAL) EMPLOYMENT PRACTICES

The board is required by HB 2961 to adopt a policy prohibiting the use of an employee social security number as an employee identifier other than for tax purposes. See page 1 at TAX IDENTIFIER and page 5 at SOCIAL SECURITY NUMBERS. This new provision resulted in a minor change at EXCEPTIONS on page 5 to clarify when the federal versus state law provisions on social security numbers apply.

See also DBA(LOCAL), above.

DEAA (LEGAL) COMPENSATION AND BENEFITS
INCENTIVES AND STIPENDS

In addition to current law providing scheduled release time for MENTOR TEACHERS, HB 2012 permits a district to use funds from a mentor teacher program to provide release time to the classroom teachers who are assigned to the mentor.

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DEAB (LEGAL) COMPENSATION AND BENEFITS
 SALARIES AND WAGES

HB 483 adds a new provision at PUBLIC HEARING–CONTRACT EMPLOYEES on page 2 that prohibits a district from paying an employee or former employee more than the person is owed under an employment contract unless the district holds a public hearing on the matter. At the public hearing, the board must state: the source and exact amount of the payment; the reason for the payment, including the public purpose that will be served by making the payment; and the terms for distribution of the payment that effect and maintain the public purpose.

DEC (LEGAL) COMPENSATION AND BENEFITS
 LEAVES AND ABSENCES

To better track legal authority, we have adjusted the text on page 4 addressing employee absences for RELIGIOUS OBSERVANCES.

Citations at ABSENCE CONTROL on page 5 have been adjusted to delete references to workers' compensation discrimination cases, as districts are immune from liability for workers' compensation retaliation cases based on current case law.

DFBB (LEGAL) TERM CONTRACTS
 NONRENEWAL

For classroom teachers, HB 2012 requires a district to use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions. See EVALUATIONS on page 1.

DFFA (LOCAL) REDUCTION IN FORCE
 FINANCIAL EXIGENCY

The recommended revision at CRITERIA FOR DECISION is based on HB 2012, which requires a district to use a classroom teacher's consecutive appraisals from more than one year, if available, in making employment decisions. A reduction in force based on a financial exigency is an employment decision that would fall within the scope of this requirement.

Previously this local policy only required a district to look at the most recent formal appraisal when applying the performance criterion. The revised policy language additionally requires the district to look at consecutive formal appraisals from more than one year, if available. The new policy language applies to all employees being evaluated under the performance criterion, not just classroom teachers as required by law, so that the criterion is applied consistently to all employees.

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DFFB (LOCAL) REDUCTION IN FORCE PROGRAM CHANGE

As at DFFA (Financial Exigency) and based on HB 2012, a recommended change to this local policy on reduction in force based on a program change requires the district to look at consecutive formal appraisals from more than one year, if available, in addition to the most recent formal appraisal, when applying the performance criterion. The new policy language applies to all employees being evaluated under the performance criterion, not just classroom teachers as required by law, so that the criterion is applied consistently to all employees. See CRITERIA FOR DECISION.

DGBA (LEGAL) PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

At TELEPHONE REPRESENTATION, HB 2607 requires a school district grievance policy to permit a person representing a district employee in a grievance against the employee's supervisor alleging a violation of law in the workplace or unlawful harassment to represent the employee through a telephone conference call. The requirement applies only if the district has the equipment necessary for a telephone conference call and applies at any formal grievance proceeding, hearing, or conference at which the district employee is entitled to representation according to the district's grievance policy.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

This policy is recommended for revision to reflect HB 2607, which requires the district's grievance policy to permit an employee REPRESENTATIVE to participate by telephone conference call in a grievance against the employee's supervisor alleging a violation of law in the workplace or unlawful harassment and when the district's policy entitles the employee to representation. See DGBA(LEGAL), above.

Because current provisions in the district's policy permit representation at any level of the grievance process, the recommended revision permits telephone conference calls at all levels of the process. For ease in administering this new requirement, the recommended policy text does not limit its application, as permitted by law, to grievances against the employee's supervisor alleging a violation of law in the workplace or unlawful harassment. Rather, telephone conference calls are permitted regardless of the subject of the grievance.

If your district chooses to only allow a representative to participate by telephone conference call in the specific types of grievances required by law, please contact your policy consultant for adjustments to your policy.

DGC (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES
IMMUNITY

A new provision from HB 3793 is reflected at IMMUNITY FOR MENTAL HEALTH FIRST AID beginning on page 3. A person who has completed mental health first aid training and who in good faith assists someone experiencing a mental health crisis is not liable for civil damages for acts performed in assisting the individual unless the act was willfully or wantonly negligent.

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DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

To clarify employees' responsibilities and to comply with policy requirements, we recommend adding a statement to this local policy on employee standards of conduct requiring an employee to report child abuse and neglect as required by law. The new text at HARASSMENT OR ABUSE includes a cross-reference to FFG, which includes an exhibit with more detailed reporting instructions that should be distributed to employees.

See FFG(LEGAL) and (EXHIBIT), below, for recent changes in reporting requirements.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

In accordance with SB 939, training on awareness of CHILD ABUSE AND MALTREATMENT of children must be provided during employee orientation to all new employees and to existing employees on a schedule developed by TEA until all district employees have taken the training.

HB 1952 requires every principal or other appropriate administrator who oversees STUDENT DISCIPLINE to attend professional development training at least once every three years regarding alternative settings for behavior management, which shall include training regarding the distinction between a principal's use of discipline management techniques when a student is sent to the principal's office in order to maintain effective discipline in a classroom and a teacher's discretion to remove an unruly student from class and not have the student return without the consent of the teacher.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

Changes to this legally referenced policy on teacher evaluation are from HB 2012:

- At INTERIM EVALUATIONS AND GUIDANCE, beginning on page 1, a new provision requires a district to conduct appropriate components of the appraisal process, such as classroom observations and walk-throughs, more frequently than the full appraisal is completed and as necessary to ensure that a teacher receives adequate evaluation and guidance. A district must give priority to conducting appropriate components more frequently for inexperienced teachers and for experienced teachers with identified areas of deficiency.
- At NOTICE AND USE OF EVALUATIONS, on page 2, a district must use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and developing career recommendations for the teacher. The district must give the teacher timely notice of the results of an appraisal so that the district and teacher can use the appraisal to improve the teacher's performance.
- At ACCESS TO EVALUATIONS, also on page 2, a teacher is entitled to receive a copy of his or her evaluation *promptly* after its completion.

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DNA (LOCAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

As a result of legislation affecting teacher evaluations, as described above, we have taken the opportunity to reorganize this policy to better reflect the decisions the district has made regarding performance appraisals.

In response to HB 2012, we have included at GENERAL REQUIREMENTS the requirement for a district to conduct components of the appraisal process, such as classroom observations and walk-throughs, more frequently than when the full appraisal is completed and as necessary to ensure that a teacher receives appropriate guidance.

Along with numerous nonsubstantive changes for clarity and consistency with policy style, we recommend expanded language addressing LESS-THAN-ANNUAL EVALUATIONS to acknowledge the statutory requirement for the district and campus decision-making committees to have a role in determining the substance of the ANNUAL REVIEW PROCESS that will be used in the years in which a teacher is not subject to a complete PDAS appraisal and to remove administrative details of that process. This text also satisfies the requirement from HB 2012 that all teachers receive timely notice of results of all components of an evaluation process so that the district and teacher can use that information to improve a teacher's performance.

Provisions addressing consideration of evaluative information in employment decisions are no longer accurate in light of the new requirement from HB 2012 to use a teacher's consecutive appraisals from more than one year in making employment decisions. We recommended deletion of these provisions.

Other nonsubstantive changes are for consistency with policy style.

Please note: As reflected at APPRAISAL SYSTEM, the policy continues to reflect the district's use of the Professional Development and Appraisal System (PDAS). If the district uses an appraisal system other than PDAS for any of the district's teachers, please contact your policy consultant for an adjustment to the district's policy.

EC (LEGAL) SCHOOL DAY

Changes from HB 5 require the board to adopt and strictly enforce a policy limiting LOSS OF CLASS TIME for remedial tutoring or test preparation to no more than ten percent of days on which the class is offered, although a parent can consent to additional removals.

EC (LOCAL) SCHOOL DAY

This policy is recommended for inclusion in the district's policy manual to comply with the local policy requirements in Education Code 25.083, as amended by HB 5. See EC(LEGAL) above.

At LOSS OF CLASS TIME, the recommended text limits removals from regularly scheduled classes for tutoring or test preparation to no more than 10 percent of the days on which the class is offered without a parent's written consent.

Education Code 25.083 also requires the district to limit specific types of class INTERRUPTIONS. Accordingly, the new text limits nonacademic activities that interrupt the academic process and requires the district to restrict announcements made over the public address system to once a day and prohibits selling or solicitation during class time.

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EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

Multiple bills affect the required instructional program:

- Personal financial literacy has been added to the ENRICHMENT CURRICULUM by HB 2662.
- SB 1474 adds a requirement that the district follow a specific process, including obtaining input from employees and the public, before adopting MAJOR CURRICULUM INITIATIVES.
- HB 462 prohibits a district from using the COMMON CORE STATE STANDARDS.
- HB 2483 includes oral health education as part of the COORDINATED HEALTH PROGRAM.
- Two bills revised the DUTIES of the school health advisory council (SHAC), beginning on page 5. SB 460 expands the scope of the SHAC's duties to include recommending policies, procedures, and strategies in addition to the existing duty of recommending curriculum, and adds duties related to mental health concerns. HB 1018 adds a duty for the SHAC to recommend, if feasible, joint use agreements or strategies for collaborating with community organizations.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

Districts must now offer a half-credit elective course in personal financial literacy in accordance with HB 2662. Instruction in personal financial literacy has been removed from the requirements for economics. See item number 11 at GRADES 9–12 COURSE OFFERINGS.

EHBAA (LEGAL) SPECIAL EDUCATION
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

SB 816 sets a deadline for the district to reply to a parent request for an initial evaluation, at REFERRALS, and moves the TIME FRAME for completing the written report of an initial evaluation for special education services from the 60th *calendar* day to the 45th *school* day after the receipt of parental consent, with some exceptions.

EHBAB (LEGAL) SPECIAL EDUCATION
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

As reflected on page 6, a BEHAVIORAL INTERVENTION PLAN that the ARD committee determines is appropriate must be included in the student's IEP and provided to each of the student's teachers in accordance with SB 914.

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EHBC (LEGAL) SPECIAL PROGRAMS COMPENSATORY/ACCELERATED SERVICES

This legally referenced policy has been extensively revised as a result of new legislation.

- The DEFINITION OF AT-RISK STUDENT was revised by HB 5 to include students under 26 years of age instead of the previous 21 years of age.
- HB 5 clarifies the district's obligations to provide ACCELERATED INSTRUCTION to students who fail an end-of-course assessment. The district may require the student to participate before or after normal school hours or at times of the year outside normal school operations, but note that this accelerated instruction is not subject to compulsory attendance requirements. In addition, the district must evaluate the effectiveness of its accelerated instruction and annually hold a public hearing to consider the results.
- In addition to current requirements, an INTENSIVE PROGRAM OF INSTRUCTION must be offered to a student who is not likely to receive a diploma within 4 years following enrollment in grade 9, per SB 1404.
- HB 5 requires each district to partner with at least one institution of higher education to provide COLLEGE PREPARATORY COURSES in math and English language arts. The courses are for students in grade 12 whose end-of-course assessment scores do not meet college readiness standards or whose coursework, college entrance exam scores, or higher education assessment scores show that the student is not ready for entry-level college coursework. Additional provisions address student NOTICES, CREDIT EARNED, and purchase of INSTRUCTIONAL MATERIALS.

EHBK (LEGAL) SPECIAL PROGRAMS OTHER INSTRUCTIONAL INITIATIVES

Two new mandatory RECOGNITION DATES were added in the 83rd Legislative Session:

- HB 1501 requires districts to commemorate SEPTEMBER 11, 2001, each year the date falls on a regular school day, with a minute of silence.
- HB 174 requires districts to observe, by appropriate ceremonies, activities, and programs, the historic, cultural, and social contributions that American Indians have made to Texas. See AMERICAN INDIAN HERITAGE DAY on page 1.

EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

Extensive revisions to credit by examination (CBE) without prior instruction were made by companion bills HB 2694 and SB 1365.

Based on SBOE guidelines, the school board must approve the exams available for CBE and, to the extent available, must approve at least four exams in each subject. These exams must include AP and CLEP exams.

The passing standard on the exams is now 80 rather than 90 percent, and a student is not required to take an end-of-course assessment in a subject if the student is awarded CBE.

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Exam dates, of at least four times a year, will be determined by the SBOE. New limitations prohibit a student from attempting CBE more than twice in the same subject and require the student to enroll in the relevant course if the student fails to obtain credit through CBE before the beginning of the year in which the student would normally enroll in the course according to the district's prescribed course sequence.

Please note: Revisions to EHDC(LOCAL) will be recommended after the SBOE publishes rules.

EHDD (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT COLLEGE COURSE WORK/DUAL CREDIT

A district may implement a career and technical (CTE) program under the required COLLEGE CREDIT PROGRAM allowing students to earn 12 semester credit hours of college credit in accordance with HB 842. The CTE program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours, that:

- Satisfies a requirement to obtain an industry-recognized credential or associate degree and is approved by the higher education coordinating board, and
- For which the student may earn dual credit.

The district must report certain information about its college credit program to TEA.

HB 5 removes a limitation at COMMUNITY COLLEGE JURISDICTION. Previously, a district outside of a college district's service area could only enter into an agreement with that college district to offer a course if the community college district that serves the area where the high school is located was unable to provide the requested course. Revisions now permit a district to enter into agreements with community college districts regardless of whether the high school is located within the college district's service area.

HB 5 also limits a student's enrollment in more than three dual credit courses in a community college that does not serve the student's high school. See LIMIT ON ENROLLMENT on page 3.

EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT DISTANCE LEARNING

Revisions to this legally referenced policy are a result of HB 1926:

- Beginning on page 6, the requirement for districts to adopt a LOCAL POLICY providing students information about the opportunity to enroll in TxVSN courses has been revised to require a *written* policy. At least once each year, districts must now send a copy of the policy to parents of middle and high school students.
- A district may now deny REQUESTS TO ENROLL in TxVSN courses if the district offers a substantially similar course. A district may also deny a request if the TxVSN course is inconsistent with requirements for college admission or an industry certificate, in addition to the current ability to deny enrollment if the course is inconsistent with the student's high school graduation plan. Upon receiving a request, a district may select a course provider based on certain factors. See page 7.
- Course providers may not provide inducements for a student to enroll in a TxVSN course. See INDUCEMENTS FOR ENROLLMENT PROHIBITED on page 8.
- If the student successfully completes the course, the district receives FUNDING. However, funding is limited to three TxVSN courses a year for each student, and a district may decline to pay a student's tuition for more than three yearlong electronic courses, or the equivalent, during a school year. A district may charge the student the COURSE COST when a student enrolls in more than three courses in a year.

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EI (LEGAL) ACADEMIC ACHIEVEMENT

A provision from HB 5 clarifies that the requirement for a student to attend class 90 percent of the days the class is offered applies to students in all grades, including kindergarten, and applies to award of credit or a final grade. See ATTENDANCE FOR CREDIT OR FINAL GRADE.

EIA (LEGAL) ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

HB 5 removed the provisions requiring a student's score on an end-of-course assessment to count for 15 percent of a student's final grade for the course. As a result, relevant provisions have been deleted from this legally referenced policy.

The provision allowing students who serve as STUDENT ELECTION CLERKS to apply the time served toward certain academic requirements was broadened to include service as an early voting clerk per SB 553.

EIA (LOCAL) ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

As a result of changes from HB 5 deleting the requirement to count end-of-course assessment scores as 15 percent of the student's final grade, we recommend deleting the provisions in the district's grading policy addressing end-of-course assessments.

We have retained the district's locally developed text at PROGRESS REPORTING.

EIC (LEGAL) ACADEMIC ACHIEVEMENT
CLASS RANKING

As a result of HB 5, a district is prohibited from using a student's performance on an END-OF-COURSE ASSESSMENT to determine class rank for any purpose, including automatic admission to college.

EIC (LOCAL) ACADEMIC ACHIEVEMENT
CLASS RANKING

As a result of changes from HB 5 prohibiting a district from using a student's performance on an end-of-course assessment to determine class rank, we recommend deleting the provisions in the district's class rank policy addressing end-of-course assessments.

Please note: Per the district, we have also changed when class rank is calculated to the end of the fifth six-weeks grading period to match current district practice.

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EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

A provision from HB 5 has been added at EXCEPTION on page 5. This provision allows a student on any of the current graduation programs who is a senior during 2013–14 and who does not satisfy the curriculum requirements of the student's high school program to graduate under the new foundation high school program if the student satisfies the requirements for that program.

On page 11 at GRADUATION OF STUDENT IN CONSERVATORSHIP OF DFPS is a new provision from SB 1404 that if a student in the conservatorship of the state transfers in grades 11 or 12 and would be eligible to graduate from the student's previous district but not the receiving district, the previous district must award a diploma on the student's request.

EK (LEGAL) TESTING PROGRAMS

A district is prohibited from administering more than two BENCHMARK ASSESSMENT INSTRUMENTS to prepare students for a state-mandated assessment. However, a parent of a special needs student may request that his or her child be administered more than the two.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

There are numerous changes to this legally referenced policy on state assessments:

- From HB 5, as reflected on pages 1 and 2 at SPECIAL EDUCATION, TEA must develop alternative assessments for special education that measure growth, and these assessments must, to the extent allowed under federal law, provide districts with options for the assessment of these students. From SB 906, TEA may not adopt a performance standard that indicates a student's performance does not meet standards if the lowest level of the assessment represents the student's developmental level as determined by the ARD committee. From HB 5, the student's ARD committee shall determine whether a student is required to achieve satisfactory performance on an end-of-course assessment to graduate.
- On page 4 at EXCEPTION, HB 5 adds the phrase "except as required by federal law" to the provisions exempting students from administration of a grade-level assessment when a student is enrolled and tested in a course or subject above his or her enrolled grade level.
- Provisions addressing the use of an end-of-course assessment in a student's final grade, cumulative and minimum scores for end-of-course assessments, and references to obsolete end-of-course assessments were deleted.
- New provisions from HB 5 addressing COLLEGE PREPARATORY COURSES require a district to partner with an institution of higher education to create college preparatory courses in math and English language arts for students at the 12th grade level whose scores on end-of-course or college entrance assessments indicate that the student is not ready to perform entry-level college coursework. The purpose of the courses is to prepare students for entry-level college courses.

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EKBA (LEGAL) STATE ASSESSMENT ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

A new provision from HB 5 on page 3 clarifies the MINIMUM DAYS FOR ENROLLMENT related to eligibility for a LEP student to take an alternate assessment or be exempted from a state assessment. Regardless of the date on which a student originally enrolled in a U.S. school, a student is considered enrolled in a U.S. school for a year if the student was enrolled in a school in the U.S. for at least 60 consecutive days.

EKC (LEGAL) TESTING PROGRAMS READING ASSESSMENT

As reflected on page 1 at ADOPTION OF READING INSTRUMENTS, SB 172 requires the Commissioner to adopt at least two multidimensional tools that districts may choose to use with kindergarten students to diagnose reading development and comprehension.

EL (LEGAL) CHARTER CAMPUS OR PROGRAM

The changes to this legally referenced policy on charter campuses or programs are from SB 2:

- At CREATION BY PETITION, the board must hold a public vote to grant or deny a qualifying petition for a campus or charter program on a district campus.
- At CONTENT OF CHARTER, beginning on page 2, each charter must provide that continuation of the charter is contingent on satisfactory financial performance, but no longer must specify the reasons for which the charter may be placed on probation.
- Charter campuses or programs are now subject to Subchapters D (Financial Accountability) and F (Procedures for Challenge of Accountability Determination, Intervention, or Sanction) of the EDUCATION CODE.
- If a district contracts with another district or open-enrollment charter holder for services, an employee of the contracting district or open-enrollment charter holder is eligible for membership in the TEACHER RETIREMENT SYSTEM (TRS) if the employee would be eligible for TRS at the contracting district or open-enrollment charter holder. Employees of the campus charter or program are eligible for the same TRS benefits as a qualified employee in a regular school district.

F (LEGAL) STUDENTS

We have revised the F Section table of contents to reflect the new subtitle for FOA: Removal by Teacher or Bus Driver.

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FD (LEGAL) ADMISSIONS

Several bills resulted in changes to this legally referenced policy on student admissions:

- HB 2619 provides that a student in any grade who is placed in the conservatorship of the state at a residence outside the attendance zone of the school the student previously attended is entitled to continue to attend that school through the successful completion of the highest grade served at that campus without paying tuition. See STUDENTS IN FOSTER CARE.
- As reflected at STUDENTS HOLDING F1 STUDENT VISAS, SB 453 requires a district that chooses to enroll students with an F1 visa to accept payment of tuition for such students to attend public school.
- HB 2137 requires a district to enroll in the district's summer school program a student who is eligible to enroll in the district but who is not currently enrolled. The student must satisfy any course eligibility requirements and pay authorized course fees. See SUMMER SCHOOL ENROLLMENT.
- In accordance with SB 1142, a district will receive funding for students enrolled in an adult high school diploma and industry certification charter school pilot program. See FOUNDATION SCHOOL PROGRAM.

FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

There are several new provisions relating to EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, beginning on page 3:

- At item number 6, HB 2619 provides that CHILDREN IN CONSERVATORSHIP OF DFPS must be excused for attending a mental health or therapy appointment or family visitation as ordered by a court. At item number 7, SB 1404 provides that a child in the conservatorship of the state must be excused for an activity ordered by a court, provided that it is not practicable to schedule the participation outside of school hours.
- At item number 8, HB 455 provides for an excused absence if a student is attending a health-care appointment for the student's child.
- SB 553 permits a district to adopt a policy excusing a student for serving as an early voting clerk. However, the total excused absences for this purpose and service as an election clerk are limited to two days per school year. If a district excuses a student's absence for this purpose the student shall be counted for ADA and, if the student makes up the work missed, the absences shall be counted as days of attendance for compulsory attendance.
- SB 260 requires a district to excuse a student for up to five days in a school year to visit with his or her parent, stepparent, or legal guardian who is an active duty member of the military services and has been called to duty for, is on leave from, or immediately returned from a continuous deployment of at least four months. An absence may be taken not earlier than 60 days before the deployment date or later than 30 days after the return deployment date. See MILITARY DEPENDENTS on page 5. Less specific provisions addressing absences for military dependents from the Interstate Compact on Educational Opportunity For Military Children have been deleted.

Per SB 393, a complaint filed for failure to attend school shall be dismissed by a court if the complaint or referral does not include certification about the use of truancy prevention measures and specify whether the student is eligible for or receives special education services. See FILING REQUIREMENTS.

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FEA (LOCAL) ATTENDANCE
COMPULSORY ATTENDANCE

Recommended language excuses a student for up to two days a year to serve as an EARLY VOTING OR ELECTION CLERK in light of SB 553, which permits a district to adopt such a policy. The policy requires students to submit appropriate documentation.

We also recommend a nonsubstantive editorial change at HIGHER EDUCATION VISITS.

FEB (LEGAL) ATTENDANCE
ATTENDANCE ACCOUNTING

New compulsory attendance exemptions as mentioned above at FEA(LEGAL) have also been added to this legally referenced policy on attendance accounting. A district will receive funding if a student is not on campus when attendance is taken if the student is:

- Serving as a student early voting clerk in an election;
- In the conservatorship of the state and is absent for specified reasons;
- Absent for a health-care appointment of the student's child; or
- Absent to visit with a parent, stepparent, or guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has returned from a four-month or longer deployment.

FEC (LEGAL) ATTENDANCE
ATTENDANCE FOR CREDIT

A provision from HB 2694 has been added clarifying that a student who earns credit by examination is not subject to the 90 PERCENT RULE for attendance.

A provision from HB 5 clarifies that the requirement for a student to attend class 90 percent of the days the class is offered applies to students in kindergarten through grade 12 and applies to award of credit or a final grade.

FEC (LOCAL) ATTENDANCE
ATTENDANCE FOR CREDIT

Throughout this policy are recommended changes to comply with HB 5, which applies the 90 percent attendance requirements to the award of a final grade in addition to award of credit.

At GUIDELINES ON EXTENUATING CIRCUMSTANCES, we have replaced the growing list of statutorily excused absences with a cross-reference to FEA, Compulsory Attendance. The policy continues to provide that if makeup work is completed satisfactorily, excused absences that are allowed under compulsory attendance requirements shall be considered days of attendance.

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FED (LEGAL) ATTENDANCE ATTENDANCE ENFORCEMENT

Provisions regarding JUVENILE CASE MANAGERS have been amended as a result of SBs 393 and 1419. A district may employ or jointly employ a case manager:

- To provide services to juveniles a school administrator refers to court for misconduct that would otherwise be within the court's jurisdiction prior to a case being filed and with the consent of the juvenile and the juvenile's parents; or
- To assist with administering the court's juvenile docket, to provide prevention services to a child at risk of entering the juvenile justice system, and to provide intervention services to juveniles engaged in misconduct before cases are filed.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES IMMUNIZATIONS

SB 63 permits a child to consent to his or her own immunization if the child is pregnant or has custody of his or her child. See CONSENT BY CHILD on page 5.

FFB (LEGAL) STUDENT WELFARE CRISIS INTERVENTION

SB 831 adds ESCs to the list of entities that must provide and update annually a list of best-practice RECOMMENDED PROGRAMS for implementation in public schools, which now must include programs in mental health promotion and positive youth development and substance abuse prevention and intervention.

As added by SB 460, each district must provide employees TRAINING as described in the programs, which now include training on recognizing students who need substance abuse intervention and providing notice to parents of students who may need substance abuse services. A district may implement one of the recommended programs to satisfy this training requirement. If the district provides the training, teachers, counselors, principals, and all other appropriate personnel must participate in the training at least one time, and the district must maintain records that include the name of each district employee who participated in the training.

Adopting a local POLICY is still optional, but SB 831 adds mental health promotion and substance abuse prevention and intervention to the optional policy. As a result, references to substance abuse have been added throughout the policy provisions.

SB 460 provides that the above training requirements do not waive any IMMUNITY from liability of a district or of district officers or employees. Nor do they create any liability for a cause of action against a district or against district officers or employees. They also do not waive any immunity from liability under the Texas Civil Practice and Remedies Code section 74.151, which governs liability for emergency care.

Please note: If your district would like to see sample language addressing these issues, please contact your policy consultant.

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FFC (LEGAL) STUDENT WELFARE
STUDENT SUPPORT SERVICES

SB 832 requires each district to send TEA the name of and contact information for the district's LIAISON FOR CHILDREN IN THE CONSERVATORSHIP OF THE STATE in a format and on a schedule determined by TEA. TEA shall provide training for school district liaisons.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

SB 152 adds new reporting requirements regarding ADULT VICTIMS OF ABUSE: an employee is required to make a report if the employee has cause to believe that an adult was a victim of abuse or neglect as a child and the employee determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

From HB 1205, the penalty for FAILURE TO REPORT child abuse or neglect by a professional is a class A misdemeanor if the professional was required to make a report and knowingly failed to make a report. If the professional intended to conceal the abuse or neglect, the penalty rises to a state jail felony. See page 3.

HB 1648 makes certain information created by the Department of Family and Protective Services (DFPS) in the course of an investigation confidential. See CONFIDENTIALITY on page 4.

As reflected at POSTING CHILD ABUSE HOTLINE TELEPHONE NUMBER on page 6, each school is required by SB 939 to post in a public area of the school that is accessible to students a sign in English and Spanish that has the toll-free DFPS phone number for reporting child abuse or neglect.

FFG (EXHIBIT) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

The new child abuse and neglect reporting requirement from SB 152 has been added to this exhibit. An employee is required to make a report if he or she has cause to believe that an adult was a victim of abuse or neglect as a child and the employee determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

Please note: Please review in this exhibit the information regarding the district official individuals should contact if they have questions about the policies on child abuse or neglect and the contact information for the local law enforcement agency. Contact Policy Service if this information needs updating.

FM (LEGAL) STUDENT ACTIVITIES

The provision allowing students who serve as student election clerks to apply time served toward a service requirement for participation in a school-sponsored extracurricular activity was broadened to include service as an early voting clerk per SB 553. See STUDENT ELECTION CLERKS on page 12.

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FNA (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

From HB 308, a district may educate students about the history of traditional WINTER CELEBRATIONS and may allow students and staff to exchange traditional greetings such as "Merry Christmas," "Happy Hanukkah," and "happy holidays." A district may also display symbols associated with winter celebrations if the display includes a scene or symbol of more than one religion or one religion and a secular symbol. Displays may not include a message encouraging adherence to a particular religious belief.

FNCG (LEGAL) STUDENT CONDUCT
WEAPONS

HB 1862 removes switchblade knives from the list of OTHER PROHIBITED WEAPONS under the Penal Code.

FNCI (LEGAL) STUDENT CONDUCT
DISRUPTIONS

Two bills affect the offense of DISRUPTION OF CLASSES. SB 1114 provides that a primary or secondary student enrolled in the school cannot commit the offense. SB 393 provides that it is an exception to the application of the offense that a person was younger than 12 years of age at the time the person engaged in the prohibited conduct.

FNG (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

A provision from HB 5 clarifies that the requirement for a student to attend class 90 percent of the days the class is offered applies to the award of credit or a final grade. See DENIAL OF CLASS CREDIT OR FINAL GRADE.

FO (LEGAL) STUDENT DISCIPLINE

Two bills affect item number 1 at STUDENT CODE OF CONDUCT. A district's student code of conduct must specify the circumstances under which a student may be removed from a *school bus* per SB 1541 and a *vehicle owned or operated by the district* per SB 1114. At item number 8, SB 1114 also requires the student code of conduct to include options for managing students on a vehicle owned or operated by the district.

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FOA (LEGAL) STUDENT DISCIPLINE REMOVAL BY TEACHER OR BUS DRIVER

A new provision from SB 1541 has been added at REMOVAL BY SCHOOL BUS DRIVER. A school bus driver transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office in order to maintain discipline on the bus. The principal is required to respond by employing appropriate discipline management techniques consistent with the student code of conduct.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

Several existing statutory provisions have been added to this legally referenced policy addressing conduct on school premises:

- At APPLICABILITY OF CRIMINAL LAWS on page 1, newly added text explains that the criminal laws of the state apply to areas under the board's jurisdiction. This statement provides a basis for the other provisions in the policy.
- At TRESPASS we have added the full text of Education Code 37.107, stating that it is a Class C misdemeanor for a person to trespass on school district grounds.
- Also reflected on page 1, the Education Code gives the board the authority to bar or suspend a person from driving or parking VEHICLES ON SCHOOL PROPERTY if the person violates a board rule or regulation or a rule or regulation from Chapter 37 of the Education Code.
- The offense of DISRUPTION OF TRANSPORTATION has been added on page 2. Although a primary or secondary student can no longer commit the offense per SB 1114, the offense is still applicable to non-students.
- At EXCEPTED PERSONS beginning on page 4, existing statutory provisions have been added listing the persons to whom the general prohibitions against weapons do not apply. HB 3370 expanded this list at item number 5 to include qualified retired law enforcement officers and former reserve law enforcement officers.

Changes at DISRUPTION OF CLASSES on page 2 are from SBs 393 and 1114. SB 1114 provides that a primary or secondary student enrolled in the school cannot commit the offense. SB 393 provides that it is an exception to the application of the offense that a person was younger than 12 years of age at the time the person engaged in the prohibited conduct.

Adjustments were made throughout the policy to better match statutory language, and some provisions were moved within the policy for better placement.

GRC (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES EMERGENCY MANAGEMENT

If a district makes a verbal REQUEST FOR ASSISTANCE for mutual aid, the district must confirm the request in writing. HB 3178 deletes the requirement that the district confirm the request within 30 days of the verbal request.

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HB 3178 also amends provisions on REIMBURSEMENT OF COSTS on page 3. A local government entity that requests mutual aid assistance from a district is only required to reimburse the district for the costs of the assistance if the assistance exceeds 12 consecutive hours.

We have also deleted an obsolete provision regarding deadlines for completing emergency management training.