

Explanatory Notes

TASB Localized Policy Manual Update 78

District: Brackett ISD

BAA (LEGAL) BOARD LEGAL STATUS POWERS AND DUTIES

A new item 8—on INTERNAL AUDITOR—has been added. HB 1 from the recently completed special legislative session on school finance newly requires that any internal auditor that may be employed by the district be selected by and report directly to the board.

BBB (LEGAL) BOARD MEMBERS ELECTIONS

Please note: HB 1, from the recently completed special legislative session on school finance, requires school districts to hold trustee elections on the same date as:

- The election of members of the governing body of a municipality located in the district, or
- The general election for state and county officers (November of even numbered years).

Additionally, elections held on the same date as the municipality or county must be held as joint elections, with common polling places.

Analysis by TASB Legal Services attorneys, in consultation with the Elections Division of the Office of the Texas Secretary of State, suggests that districts that held or cancelled trustee elections in May will not be required to hold another election on November 7, 2006 (the next general election). Districts should work with local counsel to determine what actions need to be taken for the 2007 election cycle.

Districts with questions about how these provisions apply to their trustee elections should contact the Secretary of State's Election Division at 1-800-252-VOTE (8683).

HB 1 does not require an immediate change in policy. Districts already committed to a November 7, 2006, election may proceed by having a joint election with the county. Preclearance from the U.S. Department of Justice may be required for November elections to the extent the district makes changes in election practices or procedures.

BBBA (LEGAL) BOARD MEMBERS REPORTING CAMPAIGN FUNDS

For clarity, TASB attorneys have added to this policy Election Code provisions pertaining to terminating the campaign treasurer appointment of an inactive candidate or political committee. Included are circumstances under which a candidate or committee become inactive and the process by which the board terminates the campaign treasurer appointment.

BBFA (LEGAL) ETHICS CONFLICT OF INTEREST DISCLOSURES

The newly enacted Local Government Code requirement that local government officers file a conflicts disclosure statement—for themselves and family members—includes by reference the Government Code definition of "family member." That definition—a person related within the first degree by consanguinity or affinity—has been added on page 3.

FAQs about this new requirement and a chart of the various conflict disclosure requirements may be found at <https://www.tasb.org/apps/icen/icenDetail.cfm?kv=232>. (Click on the title, "Legal FAQs: HB 914.")

BDF (LEGAL) BOARD INTERNAL ORGANIZATION CITIZEN ADVISORY COMMITTEES

A perceived requirement—that elementary, middle, and junior high school students each engage in physical activity at least 30 minutes per school day or 135 minutes per school week—has been deleted from STATEMENT FOR PUBLIC INSPECTION.

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TASB's Governmental Relations Division indicates that, while it may have been the intention of the 79th Legislature to require physical activity time for middle school, that intention was not enacted into law. The State Board of Education will consider this summer an extension of a physical education and/or physical activity requirement to middle schools to remedy the legislative oversight.

CCG (LEGAL) LOCAL REVENUE SOURCES AD VALOREM TAXES

Key local property tax provisions from HB 1, enacted by the recently completed special legislative session on school finance, are incorporated into this policy, as follows:

- **TAX RATE CAP**, on page 1, reflects the newly imposed limit on the tax rate adopted by a local district. The new cap may not exceed by more than 17 cents the product of the "compression percentage" and \$1.50 (or actual rate levied for 2005 if greater than \$1.50).
- **2006 TAX YEAR ELECTION**, on page 4, addresses a 2006 transition provision requiring voter approval of a tax rate exceeding the rollback rate. The election must be called no later than August 31 and held on September 30. But for this transitional change, such an election would be governed by the time lines specified by Tax Code 26.08(a) and (b), subsections that appear in the policy immediately above the 2006 addition.
- **COLLECTION AND DEPOSIT OF TAX INCREMENTS**, on page 9, affects certain districts' payments into the tax increment funds.

At **DISCOUNTS**, on page 4, the text has been revised to reflect HB 2491 (from the regular session of the 79th legislature): a district now has clear statutory authority to adopt early-payment discounts even if the district contracts with another entity for the collection of taxes.

CDA (LOCAL) OTHER REVENUES INVESTMENTS

On page 3, we have added text addressing **INTEREST RATE RISK**, as suggested by independent auditors working with school districts to respond to various risk assessment issues addressed by General Accounting Standards Board (GASB) Statement 40. Essentially, the provision specifies that the district will reduce the risk of interest rate fluctuation by specifying final and weighted-average-maturity limits and by diversification.

In reviewing this policy, the district might concurrently fulfill its obligation to review—at least annually—this particular policy and to document its review and any resulting changes. The following sections merit special attention to ensure that they are in harmony with practice:

- **MONITORING MARKET PRICES**, on page 2: The law requires the policy to define the methods/resources that will be used to monitor the market price of investments. While the law provides for such monitoring to be performed quarterly, your policy requires monthly or more frequent monitoring by the investment officer.
- **FUNDS/STRATEGIES**, on page 2: The law requires the policy to define an investment strategy for each fund type to be invested.
- **PORTFOLIO REPORT**, beginning on page 3: While not required by law, good investment management practice suggests that the board at least annually consider overall portfolio performance and refine policies and strategies as needed to enhance the investment program. This provision was intended to provide a longer view of performance than quarterly, as provided by law, and somewhat presumes a diversified portfolio.

The district should confer with its investment counselor, its local attorney, and others with expertise in investment management when reviewing this policy. (The **TASB Regulations Resource Manual**, an administra-

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tive document available to policy administrators through myTASB, contains a model resolution form that may be used to document the review and changes.)

Please advise your policy consultant/analyst of any policy changes that arise from this review.

CE (LEGAL) ANNUAL OPERATING BUDGET

At PUBLICATION OF PROPOSED BUDGET SUMMARY, on page 3, appears a new requirement imposed by HB 1, enacted by the recently completed special legislative session on school finance. Statute now requires the district to post on the Internet—at the same time it publishes the required “notice of the meeting on the budget and proposed tax rate”—a comparison of the proposed budget with the previous year’s budget. The comparison must include per-student and aggregate spending in six categories:

- Instruction
- Instructional support
- Central administration
- District operations
- Debt service
- Any other category designated by the commissioner of education

CHF (LEGAL) PURCHASING AND ACQUISITION PAYMENT PROCEDURES

HB 2425 from the 78th regular legislative session amends the “Prompt Payment Law” to set the rate of interest payable by the district for tardy payment of vendor invoices to one percent over the prime rate. The prime rate is established on the first weekday in July and “prime-plus-one” applies to any payments due between September 1 and August 31 of the ensuing year.

This indexing is reflected on page 1 at INTEREST.

CKC (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY PLANS

Your current policy—addressing emergency procedures, retaining students during emergencies, evacuation procedures, and drills—has been effectively superseded by the district’s Emergency Operations Plan (EOP) aligned with the Texas School Safety Center (TSSC) template.

The TSSC template was promulgated in response to SB 11, from the 79th regular legislative session; districts were required to have developed a compatible plan by March 1, 2006. The EOP addresses emergency preparedness and emergency response and recovery as systems built on planning, training, drills, assessment, interagency cooperation, accountability, recordkeeping, and evaluation.

We recommend replacing your (LOCAL) policy with the streamlined language enclosed that speaks to the superintendent’s responsibility for ensuring that the plan is maintained and staff trained on an ongoing basis.

CO (LEGAL) FOOD SERVICES MANAGEMENT

SB 42 from the 79th regular session prohibits districts from barring a parent or grandparent from providing any food product of his or her choosing for a classroom birthday celebration or to students at school-related functions. The legislation, also known as “Lauren’s Law,” is effective with the 2006–2007 school year.

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The Texas Department of Agriculture does not believe this more recent law conflicts with the Texas Public School Nutrition Policy (TPSNP) promulgated by the Commissioner of Agriculture and last revised in June 2004, six months before the 79th Legislature convened. TDA “policy” guidance states:

TDA recognizes that celebrating student birthdays with a classroom party is a time-honored tradition that provides the opportunity for parental involvement in the education of their children, which is beneficial for students, parents and teachers. Foods otherwise restricted by the policy are permitted in classroom student birthday parties. It is recommended such parties be scheduled at the end of the lunch period for the class so that these celebrations will not replace a nutritious lunch. Federal regulations do not permit foods of minimal nutritional value to be served in the food service area during meal periods.

In essence, TDA’s guidance does not construe such birthday celebrations as a violation. “Lauren’s Law” (and the fact that it amends, curiously, the portion of the Education Code that speaks to the required curriculum, rather than some more generalized section) blurs the picture. TASB attorneys believe that districts can still specify when classroom birthday celebrations may be held, so long as they are held after lunch service ends for that classroom.

In updated FAQs—issued January 24, 2006—TDA further notes, “‘Lauren’s Law’ does not supersede the TPSNP ‘Event Day’ provisions, which limits such [event] days to three per year; if a school permits restricted food at more than three school events per year, TDA will not reimburse the school for meals served for any days in excess of the three days permitted under the TPSNP.”

The complete document may be found at <http://www.squaremeals.org>. (Click on “Texas Public School Nutrition Policy,” then “Frequently Asked Questions.”)

CRD (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT HEALTH AND LIFE INSURANCE

New language regarding the health care supplement appears at DESIGNATION OF COMPENSATION FOR BENEFITS, on page 5. This text, drawn from HB 1 from the recently completed special legislative session on school finance, essentially clarifies previous statutory language. [Further statutory details regarding this supplement are included at DEA(LEGAL), in this update.]

In addition to this change, the policy itself has been extensively redeveloped to more closely track statutory language, to present the various provisions in a more logical flow, and to include additional text from current statute where such text might be helpful.

CRD (LOCAL) INSURANCE AND ANNUITIES MANAGEMENT HEALTH AND LIFE INSURANCE

Changes in CRD(LEGAL) have prompted a review—and significant redevelopment—of the companion (LOCAL) policy to more precisely reflect the interaction of continuation coverage with Family and Medical Leave and the district’s health care plan, TRS Active Care or otherwise. The resulting policy clarifies:

- The board’s role in establishing its contribution toward the employee’s health insurance premium cost, allowing for differentiated contributions for part-time employees.
- An employee’s responsibility for sustaining the full premium cost while on unpaid leave—subject to the exception provided by federal law for family and medical leave. That exception requires the district to sustain its customary contribution through the family and medical leave period.
- The requirement that an absent employee who is not on paid leave (or family and medical leave) may continue participating—with the employee funding the entire premium cost—for as long as the group health insurance plan permits. (TRS Active Care currently allows a participant to continue coverage for up to six full months after the unpaid leave begins, until employment terminates, or until eligibility terminates for a reason unrelated to the unpaid leave.)

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DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

We have rewritten the SUBSTANTIAL INTEREST section to make it clear that the substantial interest of an employee's relative does not in itself obligate the employee to file an affidavit. As noted in the policy text, however, the superintendent must file an affidavit if his or her relative (in the first degree) has a substantial conflict.

DC (LEGAL) EMPLOYMENT PRACTICES

At INTERNAL AUDITOR, on page 1, appears a new requirement from HB 1 from the recently completed special legislative session on school finance. Also recited at BAA(LEGAL), the law now requires that any internal auditor that may be employed by the district be selected by and report directly to the board.

DEA (LEGAL) COMPENSATION AND BENEFITS SALARIES, WAGES, AND STIPENDS

HB 1, from the recently completed special legislative session on school finance, prompts two additions:

- At STATE FUNDING, on page 1, new statute provides, subject to recapture and inclusive of the compensation supplement, \$2,500 for each classroom teacher, full-time librarian, full-time counselor, and full-time school nurse. This increase in compensation becomes effective with the 2006–2007 school year.
- At DESIGNATION OF COMPENSATION FOR BENEFITS, on page 5, revised statutory language addresses the (health care) compensation supplement. Eligible employees will annually elect in writing, (at the same time that the employee may elect to participate in a cafeteria plan) to earmark a portion of the supplement for the cafeteria plan or for payment of health care premiums.

In addition to these key changes, the policy has been restructured and its provisions revised for clarity:

- On page 1, DEFINITIONS have been added from TEA rules to further explain the introductory paragraph addressing the MINIMUM SALARY SCHEDULE.
- Education Code language has been added to EMPLOYEES FORMERLY ON CAREER LADDER—beginning on page 2—to more precisely define the salary guarantee to teachers and librarians on the career ladder in 1993 (when the career ladder was repealed).
- Repeated at PAY INCREASES, on page 3, are prohibitions—also found at CE(LEGAL)—against:
 - An employee's receiving a supplementary financial benefit after services are rendered or performance of a contract begun.
 - An employee's receiving a salary advance and loan.
- Further material from federal regulations implementing the Fair Labor Standards Act has been added to pages 4–6.
- The section on PRINCIPAL PERFORMANCE INCENTIVES, previously at the end of the policy, has been deleted to avoid redundancy, as these provisions also appear at BQB(LEGAL).

DEA (LOCAL) COMPENSATION AND BENEFITS SALARIES, WAGES, AND STIPENDS

This policy has been substantially revised for clarity as follows:

- The term "compensation plans" replaces "pay structures" to encompass pay schedules, stipends, benefits, and incentives.

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- At PAY ADMINISTRATION, we have restated the administrative authority of the superintendent over the compensation plans. This authority includes classification of positions and determination of appropriate pay for new and reassigned employees.
- At ANNUAL PAY INCREASES, we have refined the text addressing the superintendent's responsibility of determining annual increases for individual employees, consistent with compensation plans and the approved budget.
- A new section on MID-YEAR PAY INCREASES restricts mid-contract increases in pay unless the employee has been reassigned or duties have been increased, with these increases requiring board approval. However, the superintendent is authorized to grant a mid-year pay increase to a noncontract employee whose assignment or duties have changed or for market value adjustments. Increases of this type are reported to the board.
- The new last paragraph at EXEMPT addresses the superintendent's authority to assign supplemental duties to exempt employees. Other provisions previously at SUPPLEMENTAL DUTIES have been deleted in favor of a cross-reference to DK(LOCAL)—Assignments and Schedules.

The COMPENSATORY TIME section, on page 2, has been revised to more clearly present the options and requirements governing overtime payment and compensatory time. As with current policy, a nonexempt employee may not accumulate more than 60 hours of compensatory time and must "clear the balance sheet" at the end of each fiscal year.

DEB (LOCAL) COMPENSATION AND BENEFITS FRINGE BENEFITS

We recommend that the district delete its DEB(LOCAL) policy; the enclosed FDA(LOCAL) has been redeveloped to address the district's current policy regarding all nonresident transfer students.

- For districts that admit nonresident transfer students, transfer request procedures for all applicants, including children of nonresident district employees, are covered by the new streamlined FDA(LOCAL), making separate provisions at DEB(LOCAL) regarding children of nonresident employees unnecessary.
- For districts that do not admit nonresident transfer students except for children of nonresident employees, that exception addressed at FDA(LOCAL).

Deleting nonresident student provisions from DEB(LOCAL) leaves no policy text, only a pointer to other policy codes. For that reason and since these codes are also identified within your manual's cross-index, we recommend deletion of your DEB(LOCAL) in its entirety.

DHE (LOCAL) EMPLOYEE STANDARDS OF CONDUCT SEARCHES AND ALCOHOL/DRUG TESTING

At DRUG-RELATED VIOLATIONS, we have added—at item 2—"providing an adulterated, diluted, or a substituted specimen on an alcohol or drug test" as a violation of district policy. While such a violation has long been noted in DHE(LEGAL) as an offense requiring a report to the Texas Department of Public Safety, it was not specifically restated in DHE(LOCAL) as a violation of policy.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION TEXTBOOK SELECTION AND ADOPTION

This policy has been extensively supplemented with key Education Code provisions and State Board of Education rules regarding state and local textbook selection responsibilities. On page 1 is found the critical distinction between "conforming" (covering all Texas Essential Knowledge and Skills [TEKS] elements) and

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“nonconforming” (covering at least half but less than all TEKS elements). On page 2 is included the DURATION OF SELECTION provision, previously at CMD but more appropriately expressed here. Similarly, the CRIMINAL OFFENSE provision on page 2 echoes language found at DBD.

While the policy contains no other substantive changes, TASB attorneys have adjusted text throughout to more closely track statutory language.

EHBC (LEGAL) SPECIAL PROGRAMS COMPENSATORY/ACCELERATED SERVICES

A new section titled COMPENSATORY EDUCATION ALLOTMENT—appearing on page 1—has been drawn from the Education Code to anchor the policy.

At OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM, beginning on page 4, we have incorporated provisions from HB 1, enacted by the recently completed special legislative session on school finance, effective for the 2006–2007 school year. Districts may apply to the commissioner of education for permission to offer an “optional flexible school day program” to at-risk students in grades 9–12 that would allow them to work at their own pace, with flexible hours, flexible days, and even on a part-time schedule. When approved by the commissioner, credits and funding are determined based on accumulation of time spent, not on a calendar year or semester.

Other changes to the policy are nonsubstantive, more closely tracking statutory language or the statutory order of topics and omitting, where appropriate, excessive detail.

EHBE (LEGAL) SPECIAL PROGRAMS BILINGUAL EDUCATION/ESL

New state law regarding assessment of limited English proficient students anchors revision of this policy. HB 1, arising from the recently completed special legislative session on school finance, establishes new requirements (found at PROGRAM EXIT on page 5) for exiting students from a bilingual or English as a Second Language program. Exiting may occur if the student is found to be able to participate equally in a regular all-English program. English proficiency is determined by TEA-approved tests; local tests are no longer permitted in making this determination. Proficiency in the student’s primary language is no longer considered; the student must perform satisfactorily on English language assessments, and parental evaluation is no longer considered.

On page 6 may be found HB 1 provisions regarding POST–EXIT MONITORING: the language proficiency assessment committee must reevaluate an exited student if he or she earns a failing grade in a foundation curriculum subject within the first two years of leaving the bilingual or ESL program.

These revisions allow for redevelopment of the policy to more closely track statute and to present the legal provisions in a more comprehensible manner.

EHBG (LEGAL) SPECIAL PROGRAMS PREKINDERGARTEN

HB 1 from the recently completed special legislative session broadens prekindergarten eligibility to include:

- A child of an active duty member of the U.S. armed forces.
- A child of a member of the state military forces or reserves called to active duty.
- A child of a member injured or killed while on active duty.

These new provisions may be found at ELIGIBILITY on page 1.

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EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Prompted by SB 658 from the 79th regular session, the commissioner of education adopted rules, effective April 3, 2006, concerning exceptions to the statewide testing calendar and restrictions on University Interscholastic League activities on test dates. The rule, summarized on pages 1 and 2 under ALTERNATE TEST DATES, defines four exceptional circumstances whereby a requesting district may be granted an alternate test date:

- Inclement weather or natural disasters severely impacting attendance on a test date.
- Health epidemics resulting in extensive absenteeism.
- Death of a student or school official that might impact student performance.
- Sudden emergencies on the day of testing (e.g., power outages, water main break, fire on campus).

If the commissioner approves an alternate test date, the commissioner may also prohibit the district or campus from participating in UIL competition on the new date.

Although not recited in this policy, it is of note that the legislation also requires the commissioner to provide UIL a three-year calendar of dates earmarked for testing, to develop a procedure for changing—in exceptional circumstances—these dates, and to establish criteria for determining whether a UIL competition must be cancelled if it conflicts with a changed date.

FDA (LOCAL) ADMISSIONS INTERDISTRICT TRANSFERS

Changes are as follows:

- “Ancestral language” has been added to the array of considerations that cannot be used when granting or denying a student transfer in accordance with Texas Education Code 25.032.
- New language at FACTORS notes that, when approving transfers, the superintendent will consider availability of space and instructional staff and the student’s disciplinary history and attendance record.
- Under REVOCATION OF TRANSFER, the policy now clarifies that a transfer may be withdrawn in accordance with the written transfer agreement if the student violates district rules and regulations. The district will notify the student’s home district if the student’s transfer is revoked.
- The provision on TUITION has been generalized to affirm the authority of the board to set tuition if it deems it appropriate and to waive tuition for financial hardship.

Please note: Available June 20, Update 30 to the *TASB Regulations Resource Manual* contains a new model transfer agreement for processing interdistrict transfer requests.

FDA (LEGAL) INTERDISTRICT TRANSFERS PUBLIC EDUCATION GRANTS

While this policy has been redeveloped for clarity and to more closely reflect statutory language, a key change is shown in the first paragraph on page 1. Eligibility for public education grants or intradistrict transfers previously hinged on two conditions regarding the student’s assigned school:

- Fifty or more students at the school failed to perform satisfactorily on state mandated assessments in any two of the three preceding years, OR
- The school was identified as “low performing” in any of the three preceding years. HB 1, from the recent special legislative session on school finance, revamped the terminology and replaced “low performing” with “academically unacceptable.”

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Now, an eligible student may attend a public school in the district in which the student resides, or the student may use a public education grant to attend any other district chosen by the student's parent.

FDB (LEGAL) ADMISSIONS
INTRADISTRICT TRANSFERS

Beginning on page 2, at OTHERS IN SPECIAL EDUCATION STUDENT'S HOUSEHOLD, appears new text drawn from HB 1 from the recently completed special session on school finance. Under this provision, a student living in the same household as a special education intradistrict transfer student must be allowed to attend the same campus (if the student is otherwise eligible to attend school in the district and the campus includes the appropriate grade level). The district is not required to provide transportation to such a student.

As at FDAA(LEGAL), the text at STUDENTS IN ACADEMICALLY UNACCEPTABLE SCHOOLS (on page 3) has been updated to reflect the shift in terminology from "low performing" to "academically unacceptable."

FEA (LEGAL) ATTENDANCE
COMPULSORY ATTENDANCE

Several revisions, intended for clarity and completeness, appear under EXCUSED ABSENCES, on pages 3-4:

- At SPECIAL EDUCATION MATTERS, text from longstanding State Board of Education rule has been added. That provision allows students to miss school for special education assessments and related services without triggering compulsory attendance enforcement.
- At COURT PROCEEDINGS, a State Board of Education rule has been added allowing the excused absence—for compulsory attendance purposes—of a student who has been referred to juvenile court (for delinquent conduct or conduct indicating a need for supervision). This provision is recoded from FEB (Attendance Accounting) to this more appropriate code.
- At HUMAN SERVICES ACTIVITIES has been added the State Board compulsory attendance exemption for abused or neglected students who have been referred to the Texas Department of Human Services or a county or local welfare unit. This provision has been recoded from FEB since it pertains to compulsory attendance rather than attendance accounting.

FEB (LEGAL) ATTENDANCE
ATTENDANCE ACCOUNTING

As noted at FEA(LEGAL), above, various provisions specific to compulsory attendance have been moved from FEB(LEGAL). Remaining provisions—dealing with attendance accounting—have been re-examined for clarity and consistency with statutory language. As a result of that inspection, various nonsubstantive changes have been made throughout this policy.

Please note that the third paragraph on page 1, dealing with the superintendent's responsibility for safekeeping of attendance records and reports, has existed in State Board of Education rule since 1996. It has been added to policy for a more complete rendering of legal requirements.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

At MILITARY DEPENDENTS, on page 2, appears a 2004 Texas Department of State Health Services rule allowing provisional admission of military dependents transferring from one school to another while awaiting receipt of immunization records.

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Please note: On page 1 of this policy, we include a pointer to http://www.dshs.state.tx.us/immunize/imm_sched.shtml where the Texas Department of State Health Services displays its updated immunization charts. To ensure that your policy manual does not present out-of-date immunization requirements, we recommend deletion of FFAB(EXHIBIT) in favor of this pointer. See the explanatory note below for further information.

FFAB (EXHIBIT) WELLNESS AND HEALTH SERVICES
IMMUNIZATIONS

Because this cited material is regularly updated by the Texas Department of State Health Services, we are urging deletion of this exhibit in favor of charts maintained on the TDSHS Web site. As noted at FFAB(LEGAL), the URL for this Web site is now contained in the (LEGAL) policy. For *Policy On Line* users, this URL will appear as an active hyperlink.

FFAC (LEGAL) WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

HB 1, from the recently completed special legislative session on school finance, enacted law allowing a student suffering from a severe allergic reaction (“anaphylaxis”) to self-administer appropriate medicine, within the same constraints that apply to asthmatics.

FL (LOCAL) STUDENT RECORDS

Information recently released by the U.S. Department of Education regarding the Family Educational Rights and Privacy Act (FERPA) both simplifies and complicates the issue of “directory information”—student-specific information that must be released to any requestor, unless a parent has indicated otherwise.

- Districts do not have to allow parents to pick and choose (for release or withholding) individual items from the directory information listing established by a district. Instead the district can have an “all or nothing” provision whereby parents agree to or object to release of all directory information.

Your current FL(LOCAL) expressly permits parents to make such an item-by-item objection. Because that practice is clearly **not** a federal expectation and because the practice vastly complicates—and greatly increases the likelihood of errors in—releasing information, we recommend that the district adopt the “all or nothing” approach. Consequently, we have deleted from the enclosed policy a sentence permitting parents to selectively release certain kinds of directory information.

- Districts do have the authority to offer parents two different “directory information” lists: one list detailing information that will be released **by the school or district for specifically identified school purposes** and another for information that will be provided to **any requestor**. Examples of the former include publication of the student’s name, photo, and other information in the yearbook and newspaper, in choral and athletic programs, and on honor rolls. If the parent opts not to allow release of directory information for these specific purposes, release of information will be governed by the second listing. Any exceptions—for school purposes or otherwise—would require individual parental consent. Further information may be found in the *Model Student Handbook* recently released by Policy Service to superintendents and designated policy contacts. If your district would like to revise its FL(LOCAL) policy to exercise this new option, please contact your policy consultant/analyst for assistance.

FOC (LEGAL) STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

At COMPLETION OF PROCEEDINGS UPON WITHDRAWAL, on page 6, text has been added from current law—enacted in 2003—to close a troublesome Chapter 37 loophole that allowed a student facing disciplinary

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proceedings for a violation of the Student Code of Conduct to withdraw and avoid disciplinary consequences. The law authorizes a district to complete the proceedings for a withdrawing student and, if the student re-enrolls at a later date within the same or subsequent school year, to impose the consequences at that time. Also, a district to which the student may have transferred to avoid the proceedings and consequences may complete the proceedings and impose the appropriate disciplinary consequence.

This provision echoes similar language found at FOD(LEGAL) and was contained within HB 1314 from the 78th Legislature.

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Code	Action To Be Taken	Note
BAA (LEGAL)	Replace policy	Revised policy
BBB (LEGAL)	No policy enclosed	See explanatory note
BBBA (LEGAL)	Replace policy	Revised policy
BBFA (LEGAL)	Replace policy	Revised policy
BDF (LEGAL)	Replace policy	Revised policy
CCG (LEGAL)	Replace policy	Revised policy
CDA (LOCAL)	Replace policy	Revised policy
CE (LEGAL)	Replace policy	Revised policy
CHF (LEGAL)	Replace policy	Revised policy
CKC (LOCAL)	Replace policy	Revised policy
CO (LEGAL)	Replace policy	Revised policy
CRD (LEGAL)	Replace policy	Revised policy
CRD (LOCAL)	Replace policy	Revised policy
DBD (LOCAL)	Replace policy	Revised policy
DC (LEGAL)	Replace policy	Revised policy
DEA (LEGAL)	Replace policy	Revised policy
DEA (LOCAL)	Replace policy	Revised policy
DEB (LOCAL)	DELETE policy	See explanatory note
DHE (LOCAL)	Replace policy	Revised policy
EFAA (LEGAL)	Replace policy	Revised policy
EHBC (LEGAL)	Replace policy	Revised policy
EHBE (LEGAL)	Replace policy	Revised policy
EHBG (LEGAL)	Replace policy	Revised policy
EKB (LEGAL)	Replace policy	Revised policy
FDA (LOCAL)	Replace policy	Revised policy
FDAA (LEGAL)	Replace policy	Revised policy
FDB (LEGAL)	Replace policy	Revised policy
FEA (LEGAL)	Replace policy	Revised policy
FEB (LEGAL)	Replace policy	Revised policy
FFAB (LEGAL)	Replace policy	Revised policy
FFAB (EXHIBIT)	DELETE exhibit	See explanatory note

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Code		Action To Be Taken	Note
FFAC	(LEGAL)	Replace policy	Revised policy
FL	(LOCAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy