

Vantage Points

A Board Member's Guide to Update 104

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**



This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

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

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

District Operations

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

Ad Valorem Taxes

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

**Financial
Reports and
Audits**

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

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

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

Personnel Issues

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

Student Issues

**Homebound
Instruction**

EEH(LOCAL) POLICY CONSIDERATIONS

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

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

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

**Video Recording
of Special
Education
Classrooms**

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

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

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

FFC(LOCAL) POLICY CONSIDERATIONS

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

**State
Assessment**

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

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

**Health and
Wellness**

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

**Equal
Educational
Opportunities /
Discrimination
and Harassment**

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

FB(LOCAL) AND FFH(LOCAL) POLICY CONSIDERATIONS

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

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

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

**Admissions and
Residency
Requirements**

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

FD(LOCAL) AND FEB(LOCAL) POLICY CONSIDERATIONS

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

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

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

**More
Information**

For more information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district’s policies—and the policies themselves, found in your district’s localized update packet.