

Cedar Hill Independent School District
BOARD OF TRUSTEES

Meeting Date: February 11, 2008

Presented by: Mr. Horace Williams, Superintendent of Schools

Subject: Policy Update 82

Action Items

BACKGROUND INFORMATION:

Policy Update 82 is drawn almost exclusively from the actions of the 80th Legislature.

RECOMMENDATION:

It is recommended that the Board review the provisions of Update 82 as presented in the attached *Vantage Points* provided by the TASB Policy Service. This will constitute the first reading of the proposed policy changes.

BOARD ACTION REQUIRED:

Review only. No action required at this first reading

POLICY AUTHORIZATION:

BF (LOCAL) – Board Policies

CONTACT PERSON(S):

L. Kim Lewis, Chief Operating Officer

FUNDING SOURCE:

N/A.

ENCLOSURES:

TASB Policy Service Update 82 *Vantage Points*

Vantage Points

A Board Member's Guide to Update 82

Update 82 is the second of two post-legislative updates and is primarily focused on incorporating changes in the law from the 80th Legislative session that were not included in Update 81. Update 82 covers numerous issues, including required participation in county appraisal districts, employee health insurance, energy conservation, and emergency response.

Board

Educational Philosophy

AE(LOCAL) POLICY CONSIDERATIONS:

The requirement from HB 2563 that the board adopt a vision statement and comprehensive goals for the district and superintendent prompted us to consolidate these topics in a single code, AE. If the district had locally developed goals at AF(LOCAL), they have been moved to this code. Text at AF(EXHIBIT), addressing the mission, goals, and objectives of the public education system, has also been moved to AE.

Closed Meeting

SB 11 adds the discussion of security audits to the list of reasons a board may go into closed session. The law already permitted a board to discuss the deployment of security personnel or devices in closed session; now districts may discuss sensitive safety and security information not previously covered by the exception. See BEC(LEGAL).

Nepotism

For districts in counties with a population over 35,000, the law regarding nepotism has changed. The board is now subject to the nepotism prohibitions for all personnel even when it has delegated hiring authority to the superintendent. The superintendent, as a public official, is also subject to the nepotism prohibitions for the employees he or she hires. Employees hired before September 1, 2007, are not prohibited from continuing employment. These provisions from HB 2563 were added to DBE(LEGAL) with Update 81 and are now being added to BBFB(LEGAL) on prohibited practices for board members.

Finances

Goods-in-Transit

Districts that choose to tax property meeting the definition of goods-in-transit may do so by following the procedures from HB 621, included at CCG(LEGAL). The board must take official action before January 1 of the first tax year in which the district proposes to tax the goods and must conduct a public hearing prior to taking action.

Leasing District Property

To promote a public purpose of the district, HB 2618 permits a district to lease district property or provide office space to another governmental entity. The district is not required to comply with competitive purchasing or obtain fair market value. See CDB(LEGAL).

- HB 2918 removes certain catalog purchases made through the state from the list of permissible purchasing methods for contracts valued at or above \$25,000.
- HB 1268 prohibits construction contracts from providing for an award of attorney fees to the district when the district prevails in a dispute, unless the contract also provides for such an award to the other parties should they prevail.
- SB 883 addresses payment of impact fees for new development.
- HB 1886 prohibits the use of an interlocal contract to purchase engineering or architectural services.
- HB 2625 removes the requirement that a U.S. Department of Labor survey used by a district to determine the prevailing wage on public works be conducted within the previous three years.

Train Derailment

Emergency response to train derailments is now at CKC(LEGAL). For a district with a school located within 1000 yards of a railroad track, SB 1504 requires the district's multihazard emergency operations plan to address how the district will respond to a train derailment.

Transportation

HB 323 addresses seat belts on school buses. On school buses equipped with seat belts, districts must require students to wear the belts; for buses without seat belts, districts must consider offers of donations to install seat belts. The same bill requires districts to make school bus accident reports to TEA. See CNB(LEGAL).

HB 273 permits a district to establish a transportation system outside the district through an interlocal contract, as reflected at GR(LEGAL).

Employees

Nonschool Employment

DBD(LOCAL) and DBF(LOCAL) POLICY CONSIDERATIONS:

Local text on nonschool employment previously found at DBF has been re-developed and recoded to DBD(LOCAL). The recommended new provisions require an employee to disclose in writing to his or her immediate supervisor any outside employment that may create a potential conflict of interest with the employee's duties or the best interest of the district. These disclosures permit the supervisor to examine the nonschool employment on a case-by-case basis and determine whether it should be prohibited based on a conflict of interest. A separate provision addresses private tutoring of district students for pay. DBF is no longer an active code.

**Student
Expression**

FNAA(LOCAL) POLICY CONSIDERATIONS:

At Update 81, a provision was added to FNA(LEGAL) based on the recent U.S. Supreme Court case *Morse v. Frederick*, which clarified that a district may restrict student expression that it reasonably regards as promoting illegal drug use. This case also applies to student distribution of nonschool literature. Accordingly, the recommended provision added to FNAA(LOCAL) prohibits student distribution of nonschool literature that promotes illegal use of drugs, alcohol, or other controlled substances.

**Extracurricular
Activities**

Three bills that affect a student's eligibility to participate in extracurricular activities have prompted revisions to FM(LEGAL).

- SB 8 requires the UIL to adopt rules and implement steroid testing of students during the 2007–08 school year.
- HB 208 clarifies that students who are in dual-credit courses or concurrent enrollment programs are not considered ineligible because of their absence from the district campus.
- SB 1517 states that now only certain advanced courses are exempt from the no pass, no play requirements.

Discipline

Policies regarding student discipline have been revised as follows:

- At FNCG(LEGAL), HB 2112 modifies the felony offense for firearms on school property to expressly include parking lots and garages on the property.
- At FOD(LEGAL), districts that admit students ages 21–25 may not place such students in a JJAEP. If such a student engages in conduct that would normally result in JJAEP placement, the district must revoke the student's admission, in accordance with HB 1137. Also, from HB 8, continuous sexual abuse of a young child has been added as a school-related offense that results in mandatory expulsion.

DAEP

The operation of the district's DAEP, as detailed at FOCA(LEGAL), is affected by HB 426. DAEP teachers must meet all certification requirements, and instructional time per day in the DAEP must not be less than that required for non-disciplinary programs.

Also at FOCA(LEGAL), HB 2532 requires districts to assess the academic growth of students placed in a DAEP for 90 school days or longer. The commissioner will develop an assessment instrument for this purpose.

school district. If a district receives a request for aid, the district must assess whether it has sufficient resources to provide assistance. The requesting governmental entity is responsible for reimbursing the provider district for the cost of the aid.

Also at GRC(LEGAL), SB 11 adds that an appointed public officer whose job includes emergency management responsibilities must complete a training course regarding the responsibilities of state and local governments under the mutual aid provisions.

Local Government Authorities

Several other bills addressing interaction with local government authorities have prompted revisions to GRA(LEGAL) as follows:

- HB 776 allows a person who has taken a child into custody to release the child to the principal, principal's designee, or a peace officer at the child's school if the school staff member agrees to assume responsibility for the child for the remainder of the school day.
- HB 2532 now requires the office of the prosecuting attorney to notify a district when a student is required to register as a sex offender. In addition, when a superintendent receives information from the prosecuting attorney about the conviction or adjudication of a student, the superintendent must provide notification to personnel within 24 hours of receiving the information.
- HB 2532 also changes the requirements to notify personnel when a student is arrested or taken into custody. The superintendent must promptly notify personnel who have responsibility for supervising the student. In addition, the superintendent may provide to the relevant personnel confidential information about the arrest if the superintendent determines that the information is needed for educational or safety purposes.
- SB 758 requires a district to release to the Texas Department of Family and Protective Services (FPS) otherwise confidential information regarding the location or identifying information of a family subject to a Child Protective Services investigation if FPS requests the information.

More Information

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