



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Review of LEGAL Policies in TASB Update 116

SUBMITTED BY: Gloria S. Rendon **OF:** Deputy Superintendent for Administration & Operations

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: January 19, 2021

RECOMMENDATION:

SEE THE ATTACHED EXPLANATION:

RATIONALE:

BUDGETARY INFORMATION:

POLICY REFERENCE & COMPLIANCE:

Explanatory Notes

TASB Localized Policy Manual Update 116

United ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

New! Local Policy Overview for Update 116: The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in Policy Manual Update Resources. From there, you may forward them electronically or print the written document for distribution to staff and board members.

(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

A25(INDEX)

CROSS-INDEX

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions from Administrative Code rules incorporate details previously included in the Local Accountability Systems Guide. The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL)

BOARD MEETINGS

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL)

SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

Explanatory Notes

TASB Localized Policy Manual Update 116

United ISD

CCG(LLEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

CE(LLEGAL)

ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LLEGAL)

ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

CKB(LLEGAL)

SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

New Administrative Code rules on mandatory school drills have been added.

CO(LLEGAL)

FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LLEGAL)

FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

COB(LLEGAL)

FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

We have updated web links in this legally referenced policy.

CQA(LLEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

To ease compliance with state law provisions requiring the board to select a cybersecurity training program and verify and report cybersecurity training by district employees, recommended revisions to this policy provide for the board to delegate these responsibilities to the superintendent.

Explanatory Notes

TASB Localized Policy Manual Update 116

United ISD

CX(LEGAL)

CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

DCE(LOCAL)

EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Recommended revisions clarify that an appeal by an employee whose non-Chapter 21 contract is not re-issued at the end of the contract period would follow the district's employee grievance policy and not begin with the board.

Please contact the district's policy consultant if you have revisions to the list of positions for which the district issues a non-Chapter 21 contract.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to this policy topic.

DEAA(LEGAL)

COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT)

EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DP(LEGAL)

PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

Explanatory Notes

TASB Localized Policy Manual Update 116

United ISD

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL)

SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

EKBA(LEGAL)

STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL)

ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

FFAC(LOCAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Policy Service recommends several revisions to this local policy on student medical treatment to reflect current guidance from the Texas Department of State Health Services (DSHS) and common district practices.

- Administrative details on student illness and accidents are recommended for removal.
- Provisions on administering medication provided by parents direct the superintendent to designate the employees authorized to administer medication and refer to administrative regulations for detailed requirements. The district's locally developed text addressing storage and the requirement for a physician's request has been retained.

Explanatory Notes

TASB Localized Policy Manual Update 116

United ISD

- In accordance with DSHS guidance, the policy reflects that the district shall not purchase nonprescription medication to administer to students. **Contact the district's policy consultant if the district purchases or provides any medication for the district's athletic program, unassigned epinephrine auto-injectors, or unassigned prescription asthma medication.**
- Medical treatment provisions have been updated to clarify who may complete medical treatment authorization forms and reflect that the district shall seek appropriate emergency care for a student as required or deemed necessary. This new text is recommended to replace previous text that covered emergency treatment forms.

See FFAC in the TASB Regulations Resource Manual for updated procedures and forms.

The Legal Issues in Update 116 memo describes common legal concerns and best practices specific to this policy topic.

FFEB(LLEGAL)

COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LLEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRAA(LLEGAL) addressing investigations of abuse and neglect at school.

FFH(LLEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LLEGAL)

STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LLEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LLEGAL).

GKA(LOCAL)

COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This change aligns with changes made at Update 115 to the grievance policies at FNG and GF.

The Legal Issues in Update 116 memo describes common legal concerns and best practices specific to this policy topic.

GNC(LLEGAL)

RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LLEGAL).

Explanatory Notes
TASB Localized Policy Manual Update 116

United ISD

GRA(LLEGAL)

**RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL
GOVERNMENTAL AUTHORITIES**

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LLEGAL)

**STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW
ENFORCEMENT AGENCIES**

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LLEGAL).