

Update 33 contains (LOCAL) policies that require board action before we can incorporate Update 33 into your college district's Policy On Line manual.

Please notify Travis Damron of your policy adoption by completing the electronic Notify TASB of Policy Adoption form* in myTASB. You may also complete, scan, and submit the form below by e-mail to pol-support@tasb.org or by fax to 512-467-3618. Electronic submissions will receive a confirmation e-mail.

232501 Southwest Texas Junior College

Your Name: _____

Your E-mail: _____

Previous Updates

- I confirm that all updates prior to Update 33 have been adopted. (Visit Local Manual Updates† to see updates pending adoption.)

Update 33 Adoption Date: _____

Status (please check one):

- Adopted as presented by TASB—place online immediately
- Adopted with further changes, described below

Policy Changes

If you wish to make changes to policies issued in Update 33, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 33, please e-mail those changes directly to your policy consultant, Kelly Grab.

Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.

If you have questions, please contact Travis Damron by phone at 800-580-7529.

* Notify TASB of Policy Adoption: <https://www.tasb.org/apps/PolicyAdmin/>

† Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/index.aspx>

Update 33

Policy On Line®
Adoption Notification Form

TASB Policy Service



Localized Policy Manual Update 33

Southwest Texas Junior College

Remember: You can download a PDF of your college district's update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more on [myTASB¹](#) under Policy Service Resource Library → Local Manual Updates.

Need help? Please call 800-580-1488 or e-mail colleges@tasb.org.

Overview

Update 33 proposed revisions to your localized policy manual incorporate clarification of existing materials and new materials arising from the 85th Regular Legislative Session that have immediate effect on governance and management of Texas community colleges. Corresponding rule changes from the Texas Higher Education Coordinating Board and other state agencies will be included in Update 34. Update 33 to your localized policy manual contains (LOCAL) policy revisions/additions that address:

- College district investments;
- Weapons;
- Use of drones;
- Electronic reporting option for sexual harassment or assault, dating violence, or stalking;
- Procedures for the administration of high school equivalency tests; and
- Response to Public Information Act requests.

See the Explanatory Notes for a full listing of the (LEGAL) and (LOCAL) policies affected.

The Update 33 packet contains:

- **Instructions** providing specific information on which policies have been revised, added, or deleted at this update.
- **Explanatory Notes** summarizing and pointing out changes occurring within each policy.
- **Updated policies** reflecting new or replacement materials included in this update.

Please see the insert in your Update 33 packet, "Accessibility Changes to Your Online Policies and the Policy On Line[®] Application," which explains changes you will see to your online policies and the Policy On Line application after adoption of Update 33 to address accessibility for people with disabilities.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

- Reflect the ever-changing legal context for governance and management of the college district
- Should inform local decision making
- Should NOT be adopted, but only reviewed

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the college district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

Board action on Localized Update 33 must occur within a properly posted, open meeting of the board.

- Update 33 may be addressed on the agenda posting as “Review updated (LEGAL) policies and act on (LOCAL) policies (see attached list).”
- You may use the “Agenda Posting (LOCAL) Policy List” provided online in Local Manual Updates and attach that list to the posting, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the material provided below.
- **BoardBook** compilers should use “Policy Update 33, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the policy code, title, and subtitle of each of the (LOCAL) policies affected by the update.
- Here is a suggested motion for board action on Localized Update 33:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 33 [with the following changes:]”

How to Notify Policy Service of Board Action

Notify Policy Service of the board’s action on Update 33 using the Update 33 Adoption Notification Form, enclosed, so Policy Service records remain accurate. **Notify your policy consultant**

of any changes made by the board so that Policy Service records correctly reflect your manual.

How to Keep Minutes

The board's action on Localized Update 33 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board
- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board. At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to the [Community College Administrator's Guide to Policy Management](#).²

How to Keep Your Administrative Regulations Current

Inspect your administrative procedures and documents—including EXHIBITS, REGULATIONS, handbooks, and guides—that may be affected by Update 33 policy changes.

If you must make changes to the REGULATIONS or EXHIBITS contained in your board policy manual, please notify your policy consultant.

Questions

Questions about the content of this update may be addressed to your assigned policy consultant, Kelly Grab, at 800-580-1488.

Disclaimer and Copyright

PLEASE NOTE: 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.

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¹ myTASB portal requiring password: <https://www.tasb.org/apps/CA1/Home/UserApps>

² Community College Administrator's Guide to Policy Management:

https://www.tasb.org/Services/Community-College-Services/documents/cc_admin_guide_to_policy.aspx

Instruction Sheet

Community College Localized Policy Manual Update 33

District Southwest Texas Junior College

| Code | Action To Be Taken | Note |
|--------------|---------------------------|---------------------------|
| ATTN (NOTE) | No policy enclosed | See explanatory note |
| A18 (INTRO) | Replace introduction | Revised introduction |
| A25 (INDEX) | Replace cross-index | Revised cross-index |
| BBB (LEGAL) | Replace policy | Revised policy |
| BBFA (LEGAL) | Replace policy | Revised policy |
| BD (LEGAL) | Replace policy | Revised policy |
| BDA (LEGAL) | Replace policy | Revised policy |
| C (LEGAL) | Replace table of contents | Revised table of contents |
| CAD (LEGAL) | Replace policy | Revised policy |
| CAK (LEGAL) | Replace policy | Revised policy |
| CAK (LOCAL) | Replace policy | Revised policy |
| CF (LEGAL) | Replace policy | Revised policy |
| CGE (LEGAL) | ADD policy | See explanatory note |
| CGE (LOCAL) | No policy enclosed | See explanatory note |
| CH (LEGAL) | Replace policy | Revised policy |
| CHA (LEGAL) | Replace policy | Revised policy |
| CHC (LEGAL) | Replace policy | Revised policy |
| CHF (LEGAL) | Replace policy | Revised policy |
| CHF (LOCAL) | Replace policy | Revised policy |
| CIA (LEGAL) | Replace policy | Revised policy |
| CKE (LEGAL) | Replace policy | Revised policy |
| CM (LEGAL) | Replace policy | Revised policy |
| CR (LEGAL) | Replace policy | Revised policy |
| CR (LOCAL) | Replace policy | Revised policy |
| CS (LEGAL) | Replace policy | Revised policy |
| CS (LOCAL) | Replace policy | Revised policy |
| DBB (LEGAL) | Replace policy | Revised policy |
| DC (LEGAL) | Replace policy | Revised policy |
| DEA (LEGAL) | Replace policy | Revised policy |
| DEC (LEGAL) | Replace policy | Revised policy |
| DECB (LEGAL) | Replace policy | Revised policy |
| DEE (LEGAL) | Replace policy | Revised policy |

Instruction Sheet
Community College Localized Policy Manual Update 33

| | | | |
|------|---------|---------------------------|---------------------------|
| DF | (LEGAL) | Replace policy | Revised policy |
| DG | (LEGAL) | Replace policy | Revised policy |
| DI | (LEGAL) | Replace policy | Revised policy |
| DIAA | (LEGAL) | Replace policy | Revised policy |
| DIAA | (LOCAL) | Replace policy | Revised policy |
| DK | (LEGAL) | Replace policy | Revised policy |
| DLA | (LEGAL) | Replace policy | Revised policy |
| EDA | (LEGAL) | Replace policy | Revised policy |
| EFA | (LEGAL) | Replace policy | Revised policy |
| EFAC | (LEGAL) | Replace policy | Revised policy |
| EFB | (LEGAL) | Replace policy | Revised policy |
| EFCD | (LEGAL) | Replace policy | Revised policy |
| EFCD | (LOCAL) | Replace policy | Revised policy |
| EFCE | (LEGAL) | Replace policy | Revised policy |
| EI | (LEGAL) | Replace policy | Revised policy |
| F | (LEGAL) | Replace table of contents | Revised table of contents |
| FA | (LEGAL) | Replace policy | Revised policy |
| FAA | (LEGAL) | Replace policy | Revised policy |
| FD | (LEGAL) | Replace policy | Revised policy |
| FDA | (LEGAL) | Replace policy | Revised policy |
| FEA | (LEGAL) | Replace policy | Revised policy |
| FEB | (LEGAL) | Replace policy | Revised policy |
| FFCA | (LEGAL) | Replace policy | Revised policy |
| FFDA | (LEGAL) | Replace policy | Revised policy |
| FFDA | (LOCAL) | Replace policy | Revised policy |
| FG | (LEGAL) | Replace policy | Revised policy |
| FLB | (LOCAL) | Replace policy | Revised policy |
| FLBE | (LEGAL) | Replace policy | Revised policy |
| FLC | (LEGAL) | Replace policy | Revised policy |
| FM | (LEGAL) | Replace policy | Revised policy |
| GA | (LEGAL) | Replace policy | Revised policy |
| GCA | (LEGAL) | Replace policy | Revised policy |
| GCB | (LEGAL) | Replace policy | Revised policy |
| GCB | (LOCAL) | Replace policy | Revised policy |

Instruction Sheet
Community College Localized Policy Manual Update 33

| | | | |
|-----|---------|----------------|----------------|
| GD | (LEGAL) | Replace policy | Revised policy |
| GDA | (LEGAL) | Replace policy | Revised policy |
| GE | (LEGAL) | Replace policy | Revised policy |
| GH | (LEGAL) | Replace policy | Revised policy |
| GL | (LEGAL) | Replace policy | Revised policy |

Explanatory Notes

Community College Localized Policy Manual Update 33

District: Southwest Texas Junior College

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 85th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

Update 33 includes several revisions to policies to enhance accessibility for people with disabilities. One of those changes is that margin notes have been converted from all capital letters to just the first letter of each word being capitalized (title case). For consistency, these explanatory update notes also use title case when referring to the margin notes within a policy.

A18 (INTRO) INTRODUCTION

We have revised the Introduction to the manual for clarification.

A25 (INDEX) CROSS-INDEX

The cross-index has been updated to incorporate new terms including anaphylaxis, epinephrine, and Ep-iPen, as well as to accommodate the addition of a new policy on medical treatment, CGE, in Section C.

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

In addition to changes to more closely track statute, several revisions have been made throughout this policy to reflect statutory changes from the 85th Regular Legislative Session:

- HB 2194 requires the commissioners court of Wise County to appoint an individual to serve on the Weatherford College board of trustees. The member's initial term begins December 1, 2017.
- SB 286 permits the Trinity Valley Community College board of trustees to increase its membership to 11.
- HB 4276 permits the Paris Junior College board of trustees to increase its membership to nine and describes the manner of electing the members.
- HB 2323 amends the filing deadlines for a write-in candidate for a special election.
- HB 1661 permits an authority responsible for preparing ballots to omit a candidate from the ballot who meets all of the requirements for withdrawal but fails to meet the deadline for submitting the request.
- SB 957 addresses proposition wording and placement and requires a college district to assign a unique letter to each of its local propositions that corresponds to its ballot order.
- HB 1735 amended the definition of "electioneering" under the Election Code.
- HB 1001 added the requirement for the canvassing authority to note the completion of the canvass in the meeting minutes or in the recording.
- HB 929 changes the time period to canvass returns for all elections except the early voting canvass held on the November election date in even-numbered years.

Explanatory Notes

Community College Localized Policy Manual Update 33

BBFA (LEGAL) ETHICS CONFLICT OF INTEREST DISCLOSURES

Provisions from existing law addressing substantial interest declaration and abstention under Education Code 51.923 have been added to this legal policy. Additionally, SB 533 lowers the percent of ownership or gross income that triggers the Section 51.923 disclosure requirement for members of an institution's board.

BD (LEGAL) BOARD MEETINGS

SB 1440 revises the definition of a meeting to exclude the gathering of a quorum of board members at a candidate appearance, forum, or debate to inform the electorate if formal action is not taken and any discussion of public business is incidental to the event.

HB 3047 addresses meetings by videoconference call, including the location of the quorum and the effect of the loss of connection by a participating board member.

BDA (LEGAL) BOARD MEETINGS CLOSED MEETINGS

HB 8 and SB 564 permit a college district board to meet in closed session to deliberate security assessments or deployments relating to information resources technology; network security information; or the deployment or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

C (LEGAL) BUSINESS AND SUPPORT SERVICES

The C section table of contents has been revised to reflect the addition of CGE, Medical Treatment.

CAD (LEGAL) APPROPRIATIONS AND REVENUE SOURCES BOND ISSUES

SB 295 excepts refunding bonds and capital appreciation bonds issued for transportation projects from the restrictions placed on capital appreciation bonds by Government Code 1201.0245. Additionally, provisions addressing general proposition language have been relocated to BBB.

CAK (LEGAL) APPROPRIATIONS AND REVENUE SOURCES INVESTMENTS

Several revisions have been made throughout this legal policy addressing investments to reflect statutory changes from the 85th Regular Legislative Session:

- HB 1003 and HB 2647 add to the list of authorized investments, interest bearing banking deposits and hedging transactions, under the Public Funds Investment Act (PFIA). Additionally, HB 1003 clarifies provisions addressing certain types of authorized investments, including repurchase agreements, mutual funds, and guaranteed investment contracts.

Explanatory Notes

Community College Localized Policy Manual Update 33

- HB 2928 clarifies that the federal government obligations authorized as investments under the PFIA include obligations of Federal Home Loan Banks as well as that the list of authorized certificates of deposit and share certificates include those certified in accordance with the Public Funds Collateral Act.
- HB 1472 permits college district boards to invest, in accordance with the Texas Trust Code, funds received from the management and development of mineral rights.
- SB 253 prohibits a college district from investing in businesses tied to certain foreign countries or terrorist organizations.
- HB 1701 clarifies that the existing requirement that a college district provide a copy of the entity's investment policy to an investment management firm only applies to those investment pools or firms that have actually accepted the authority granted by the entity to exercise discretion in investing the entity's funds. A business organization offering to invest the entity's funds must acknowledge receipt and review of the investment policy.

CAK (LOCAL) APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

A revision at Sellers of Investments is to align with changes from HB 1701, described above at CAK(LEGAL), and requires a business organization, as defined by law, that engages in investment transactions with a college district to provide the college district written documents required by law. The reference to brokers/dealers has been retained as a best practice.

CF (LEGAL) PURCHASING AND ACQUISITION

Several revisions have been made throughout this legal policy to reflect statutory changes from the 85th Regular Legislative Session:

- SB 252 prohibits a college district from entering into a governmental contract with a company that is identified on the comptroller's list of scrutinized companies doing business in Sudan or Iran or that are known to have contracts with, or provide supplies or services to, a foreign terrorist organization.
- HB 89 prohibits a college district from entering into a contract for goods or services with a company unless the contract contains a written verification that the company does not boycott Israel and will not boycott Israel during the term of the contract.
- SB 262 requires a college district contracting for the purchase of an automated information system through the Department of Information Resources to comply with certain statutory requirements.
- SB 706 repealed the provisions addressing the State Council on Competitive Government as the council has been abolished.

CGE (LEGAL) SAFETY PROGRAM
MEDICAL TREATMENT

SB 1367 permits college districts to adopt a policy addressing the storage, maintenance, administration, and disposal of epinephrine auto-injectors.

Explanatory Notes

Community College Localized Policy Manual Update 33

CGE (LOCAL) SAFETY PROGRAM
 MEDICAL TREATMENT

As noted above, SB 1367 permits college districts to adopt a policy addressing the emergency administration of epinephrine auto-injectors. Please contact your policy consultant for recommended language if you are interested in adding a local policy.

CH (LEGAL) SITE MANAGEMENT

HB 1571 aligns the statutory definition of "energy saving performance contract" with the definition applicable to local governments, resolving inconsistencies in definitions that applied to college districts. The prohibition against using money borrowed from the state to pay for an energy savings performance contract has also been removed, authorizing the use of any available money to pay the provider of energy or water conservation measures. Pools and other such bodies of water used for recreation must comply with "relevant" safety standards in accordance with HB 1468.

CHA (LEGAL) SITE MANAGEMENT
 SECURITY

Several revisions have been made throughout this legal policy to reflect statutory changes from the 85th Regular Legislative Session:

- SB 1849 addresses issues related to identifying mental health and substance abuse concerns during the arrest and detention process and amends requirements to be included in the college district's departmental policy on racial profiling.
- SB 344 permits a peace officer who detains a person based on a belief the person has a mental illness and is a substantial risk of harm to the person or others to transfer the person to a mental health facility or to EMS personnel who will take the person to a mental health facility in accordance with an MOU executed between the law enforcement agency that employs the officer and an EMS provider.
- SB 4 addresses issues related to the college district and its peace officers' compliance with state and federal immigration laws and participation in associated enforcement activity.
- HB 34 and SB 1253 require electronic recording of custodial interrogations of a person suspected of certain Penal Code violations. Additionally, HB 34 requires Texas Commission on Law Enforcement (TCOLE) to develop training on eyewitness identification and protocols for conducting lineups and photographic identification that each peace officer who performs eyewitness identification must complete.
- HB 245 eliminates the requirement to post on a law enforcement agency's website reports of (1) officer-involved injuries or death and (2) incidents in which a peace officer is injured or killed in the line of duty with a firearm. A new civil penalty has been created for a law enforcement agency that fails to file a required report with the attorney general's office.
- HB 867 requires ammunition used by school marshals be approved by TCOLE.

Explanatory Notes

Community College Localized Policy Manual Update 33

CHC (LEGAL) SITE MANAGEMENT TRAFFIC AND PARKING CONTROLS

SB 1501 and SB 2065 remove booting companies from most statewide licensing and regulation requirements and make them subject to the regulation of college districts when the companies are operating in areas in which the college districts regulate parking or traffic.

The bills specify where a college district may regulate booting activities and the content of the booting regulations. The new law was effective June 15, 2017; however, related exceptions go into effect September 1, 2018.

HB 100 prohibits college districts from regulating the operation of transportation network companies with limited exceptions. Additionally, a college district can enter into an agreement with a transportation network company to coordinate services for large events held within the college district's jurisdiction.

SB 2205 establishes rules for the operation of automated motor vehicles and automated driving systems. Compliance with traffic and motor vehicle laws and safety standards, installation of a recording device, and purchase of insurance is required, but college districts are prohibited from further regulating the operation of the vehicles or systems.

CHF (LEGAL) SITE MANAGEMENT WEAPONS

Several revisions have been made throughout this legal policy to reflect statutory changes from the 85th Regular Legislative Session:

- HB 1935 amends references to an illegal knife throughout the Texas Penal Code and Texas Family Code to refer instead to a location-restricted knife and expands the locations where the knives may be openly carried.
- HB 1819 permits a person to possess, manufacture, transport, repair, or sell a firearm silencer in compliance with federal law.
- HB 913 adds improvised explosive devices to the Texas Penal Code statutes defining prohibited weapons and related offenses.
- HB 435 provides that, if an attorney general, assistant attorney general, U.S. attorney, assistant U.S. attorney, certain other listed attorneys, or a volunteer emergency services personnel providing emergency services is licensed to carry a handgun, the individual is subject to an exception from or has a defense to prosecution under laws prohibiting handgun carry at certain locations or events.
- HB 873 prohibits an establishment serving the public, including hotels, restaurants, sports venues, and any other place of accommodation to which the public is regularly invited, from prohibiting a peace officer or special investigator, such as an FBI agent, from carrying a weapon regardless of whether the officer is on or off duty.

Additionally, existing statute addressing exceptions from the firearms prohibitions for peace officers and retired peace officers, retired law enforcement officers, federal criminal investigators, and former reserve law enforcement officers who have served not less than 15 years with one or more state or local law enforcement agencies has been added.

Explanatory Notes

Community College Localized Policy Manual Update 33

CHF (LOCAL) SITE MANAGEMENT
 WEAPONS

Recommended revisions to this local policy reflect a change in terminology from "illegal knife" to "location-restricted knife" as a result of HB 1935.

CIA (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT
 RECORDS MANAGEMENT

Provisions addressing records that may be destroyed as directed by an expunction order issued by a court pursuant to state law have been amended by HB 557.

CKE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
 WORKERS' COMPENSATION

HB 2082 requires college districts that employ first responders, including peace officers, to notify the first responders of the existence of the Office of Injured Employee Counsel's first responder liaison.

HB 451 applies the provisions of Texas Labor Code Chapter 451 to first responders employed by college districts, prohibiting college districts from discharging or in any other manner discriminating against an employee because the employee has filed or otherwise participated in a workers' compensation claim in good faith. The bill allows a first responder who alleges workers' compensation retaliation by the college district to sue the college district for relief.

CM (LEGAL) FACILITIES CONSTRUCTION

Several revisions have been made throughout this legal policy to reflect statutory changes from the 85th Regular Legislative Session:

- SB 252 prohibits a college district from entering into a governmental contract with a company that is identified on the comptroller's list of scrutinized companies doing business in Sudan or Iran or that are known to have contracts with, or provide supplies or services to, a foreign terrorist organization.
- HB 89 prohibits a college district from entering into a contract for goods or services with a company unless the contract contains a written verification that the company does not boycott Israel and will not boycott Israel during the term of the contract.
- HB 3021 requires that a college district's contract for engineering or architectural services mandates that an engineer or architect adhere to the standards of skill and care provided by competent engineers or architects generally.

CR (LEGAL) TECHNOLOGY RESOURCES

HB 1643 restricts the ability of college districts to regulate drone use on their campuses. A college district may adopt provisions to regulate use only during a special event; use by the college district; or use near the college district's infrastructure or facilities after applying for and obtaining Federal Aviation Administration authorization and holding a public hearing.

Existing provisions addressing state privacy law for an unmanned aircraft have been added for clarity.

Explanatory Notes

Community College Localized Policy Manual Update 33

CR (LOCAL) TECHNOLOGY RESOURCES

Provisions addressing access of electronic information by individuals with disabilities have been relocated from policy CS. Other revisions are to clarify provisions addressing the use of drones.

CS (LEGAL) INFORMATION SECURITY

Revisions have been made to this legal policy to remove citations that became inapplicable to college districts upon the passage of Government Code 2054.0075 in 2011.

CS (LOCAL) INFORMATION SECURITY

As noted above, provisions addressing access of electronic information by individuals with disabilities have been relocated to policy CR.

DBB (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

Minor revisions have been made to this legal policy to reflect Administrative Code amendments addressing bloodborne pathogen control.

DC (LEGAL) EMPLOYMENT PRACTICES

Revisions have been made to this legal policy to clarify provisions addressing employment of staff for campus programs for minors.

DEA (LEGAL) COMPENSATION AND BENEFITS SALARIES AND WAGES

Existing statutory provisions addressing overtime thresholds for law enforcement officers have been added to this legal policy.

DEC (LEGAL) COMPENSATION AND BENEFITS LEAVES AND ABSENCES

HB 88 provides that an employer commits an unlawful employment practice if the leave policy allows use of personal leave to care for or assist the employee's sick biological or adopted minor child, but does not apply to a foster child who resides in the same house as the employee and is under the conservatorship of the Department of Family and Protective Services.

DECB (LEGAL) LEAVES AND ABSENCES MILITARY LEAVE

HB 2486 expands the provisions addressing the return to college district employment for members of the armed forces. A college district with at least five full-time employees must restore an eligible employee to the position he or she held when ordered to duty.

HB 3066 updated in-text citations to reflect the renumbering of the Servicemembers Civil Relief Act.

Explanatory Notes

Community College Localized Policy Manual Update 33

Additionally, provisions in this legal policy have been reorganized to more closely reflect statute.

DEE (LEGAL) COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

Citations have been updated as a result of changes in the Administrative Code.

DF (LEGAL) RETIREMENT PROGRAMS

SB 1663 updates the prohibition on participation in the Texas Retirement System (TRS) by a college district employee who is required to be enrolled as a student as a condition of employment.

SB 1954 and subsequently adopted Administrative Code provisions address notification to an employee of his or her eligibility to participate in the Optional Retirement Program, tying the deadline for the employee election to participate to the date the employee received notice.

DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

HB 810 prohibits a college district or its officers, employees, or agents from interfering with an eligible patient's access to or use of an authorized stem cell treatment.

DI (LEGAL) EMPLOYEE WELFARE

A cross reference to policy CGE has been added for information on medical treatment, including the emergency administration of epinephrine.

DIAA (LEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RE-
TALIATION
SEX AND SEXUAL VIOLENCE

SB 968 clarifies that the legally required sexual assault policy is applicable to all employees and enrolled students and requires college districts to expand policy awareness efforts.

College districts must offer, to the extent practicable based on staffing, each alleged victim and perpetrator and any other person who reports an incident of sexual assault counseling by an individual who does not counsel another person involved in same the incident.

Lastly, by January 1, 2018, college districts must provide students and employees the option to electronically report an allegation of sexual harassment or assault, dating violence, or stalking committed against, or witnessed by, the person on- or off-campus. The option must allow for anonymous reporting and must be accessible through an easily identifiable link on the college district's home page.

DIAA (LOCAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RE-
TALIATION
SEX AND SEXUAL VIOLENCE

Recommended revisions to this local policy address the HB 968 requirement to provide the option for electronic reporting of sexual harassment or assault, dating violence, or stalking. Other revisions are to clarify referring allegations of prohibited conduct to other policies and appeal processes when applicable.

Explanatory Notes

Community College Localized Policy Manual Update 33

DK (LEGAL) PROFESSIONAL DEVELOPMENT

SB 255 requires a college district that spends over \$5,000 during the state fiscal year on an education or training program for any individual employee or administrator to submit a report to the Legislative Budget Board by August 31st of that year. The bill also addresses purchasing and management training requirements. Additionally, certain existing provisions addressing Department of Information Resources training on contract negotiation and the comptroller's purchasing training and related certification are now applicable to certain college district employees.

Existing provisions addressing training programs generally and training regarding employment discrimination have also been added.

DLA (LEGAL) EMPLOYEE PERFORMANCE EVALUATION

Existing statutory provisions addressing the requirement to establish a nursing peer review committee if a person employs, hires, or contracts for the services of professional nurses have been added to this legal policy, including changes from HB 3296, which lowers the threshold that triggers the requirement from ten to eight nurses.

EDA (LEGAL) INSTRUCTIONAL RESOURCES INSTRUCTIONAL MATERIALS

Effective with the 2018 spring semester, SB 810 requires that a college district provide information about textbooks available as an open educational resource. If the textbook list is published by the institution or a college bookstore on a website with a search function, the search function must permit a search for a course or section of a course that recommends or requires only open educational resources.

EFA (LEGAL) CURRICULUM DESIGN INSTRUCTIONAL PROGRAMS AND COURSES

HB 1508 requires college districts that train students in preparation for obtaining an initial occupational license to notify program applicants and enrollees about the impact of a person's criminal history on the person's eligibility for the license.

EFAC (LEGAL) INSTRUCTIONAL PROGRAMS AND COURSES DEVELOPMENTAL EDUCATION

HB 2223 requires a college district to develop and implement developmental education using a corequisite model and permits institutions to apply the model in phases starting with the 2018-19 academic year. Additionally, citations have been revised throughout this legal policy.

Explanatory Notes

Community College Localized Policy Manual Update 33

EFB (LEGAL) CURRICULUM DESIGN
DEGREES AND CERTIFICATES

SB 2118 expands the pool of college districts that may be authorized to offer a baccalaureate degree in the fields of applied technology, applied science, and nursing beyond those that previously participated in the baccalaureate degree pilot program and addresses the authorization for baccalaureate degrees in other fields. Provisions addressing funding for the degree programs and the requirement to report to the Coordinating Board regarding the quality, operation, and effectiveness of the programs have also been added.

EFCD (LEGAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERS

Provisions expanding the list of entities that may serve as paper testing centers and the procedures for offering paper-based testing have been added to this legal policy as a result of changes in the Administrative Code.

EFCD (LOCAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY TESTING CENTERS

Recommended revisions to this local policy are to clarify procedures for the administration of high school equivalency tests in response to Administrative Code changes described above.

EFCF (LEGAL) SPECIAL PROGRAMS
DRIVER EDUCATION

Citations have been updated as a result of changes in the Administrative Code.

EI (LEGAL) TESTING PROGRAMS

Provisions addressing the Texas Success Initiative, including minimum standards, reporting, and end-of-course assessments, have been changed in this legal policy to reflect amendments to the Administrative Code.

Additionally, citations have been updated as a result of HB 2223.

F (LEGAL) STUDENTS

The F section table of contents has been revised to reflect the deletion of FFAB.

FA (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

Penal Code citations have been added to this legal policy to address state definitions of dating violence; domestic violence, referred to in state law as family violence; sexual assault; and stalking.

Explanatory Notes

Community College Localized Policy Manual Update 33

FAA (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY
 SERVICE ANIMALS

HB 1463 amended provisions addressing penalties for discriminating against persons with disabilities to reference a new statute that concerns challenges alleging a failure of the college district to comply with state and federal design standards intended to accommodate persons with disabilities.

FD (LEGAL) TUITION AND FEES

HB 537 requires a college district to include a description and the amount of any special course fee, such as an online access or lab fee, for each course in the online course catalog beginning with the 2018–19 academic year.

HB 846 establishes certain protections for students eligible for financial assistance programs for military veterans or their family members. With the exception of FAFSA submission requirements, a college district must not impose payment or registration obligations, burdens, or fees that are not required to receive the military-related assistance.

SB 1123 excepts a student from certain academic and enrollment restrictions if the student receives a tuition and fee exception applicable to students who were adopted after being in foster or other residential care.

Additionally, in-text citations have been updated as a result of HB 2223. Other citations have been updated as a result of changes in the Administrative Code.

FDA (LEGAL) TUITION AND FEES
 RESIDENCY

Provisions addressing residency status and relevant definitions have been revised as a result of changes in the Administrative Code.

FEA (LEGAL) FINANCING EDUCATION
 FINANCIAL AID AND SCHOLARSHIPS

SB 887 requires a college district that enrolls at least one student who receives state financial aid administered by the Coordinating Board to provide a loan debt disclosure at least once a year to each student for whom the college district receives education loan information.

Provisions addressing the timely distribution of funds have been added to this legal policy as a result of changes in the Administrative Code.

Additionally, existing Administrative Code provisions addressing the required statement for scholarship eligibility have been added to this legal policy.

FEB (LEGAL) FINANCING EDUCATION
 WORK STUDY

Provisions addressing the distribution of funds for the Texas College Work-Study program have been added to this legal policy as a result of changes in the Administrative Code, and citations have been updated throughout.

Explanatory Notes

Community College Localized Policy Manual Update 33

FFCA (LEGAL) STUDENT SUPPORT SERVICES
STUDENT ASSISTANCE PROGRAMS/COUNSELING

HB 2895 amends provisions requiring college districts to post a list of mental health resources on a dedicated web page addressing the inclusion of resources that are not provided by the college district, the availability of the website link, and the compliance certification to be submitted annually to the Coordinating Board.

FFDA (LEGAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RE-
TALIATION
SEX AND SEXUAL VIOLENCE

SB 968 clarifies that the legally required sexual assault policy is applicable to all employees and enrolled students and requires college districts to expand policy awareness efforts.

College districts must offer, to the extent practicable based on staffing, each alleged victim and perpetrator and any other person who reports an incident of sexual assault counseling by an individual who does not counsel another person involved in same the incident. The college district must also allow an alleged victim or perpetrator to drop a course in which both of them are enrolled without penalty.

Lastly, by January 1, 2018, college districts must provide students and employees the option to electronically report an allegation of sexual harassment or assault, dating violence, or stalking committed against, or witnessed by, the person on- or off-campus. The option must allow for anonymous reporting and must be accessible through an easily identifiable link on the college district's home page.

FFDA (LOCAL) FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RE-
TALIATION
SEX AND SEXUAL VIOLENCE

Recommended revisions to this local policy address the HB 968 requirement to provide the option for electronic reporting of sexual harassment or assault, dating violence, or stalking. Examples of corrective action, including the ability for either party to drop a course without penalty, have been added.

In addition, revisions to reflect the September 2017 guidance from the Office for Civil Rights include:

- The addition of informal and formal resolution options at Investigation of the Report, which now includes mediation.
- Provisions addressing the ability for the parties to respond to the report at Concluding the Investigation.
- Clarification regarding the evidentiary standard used to assess each allegation of misconduct at College District Action. The college district should select the evidentiary standard that is consistent with that applied to other student misconduct cases.

Other revisions are to clarify referring allegations of prohibited conduct to other policies and appeal processes when applicable.

FG (LEGAL) STUDENT HOUSING

HB 355 prohibits a registered sex offender from living on the college district's campus unless the offender is assigned a risk level of one and obtains the institution's approval. This applies to individuals required to register as sex offenders for convictions that occur on or after September 1, 2017.

Explanatory Notes

Community College Localized Policy Manual Update 33

FLB (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

Recommended revisions to this local policy include a change in terminology from "illegal knife" to "location-restricted knife" as a result of HB 1935. Other revisions are to clarify provisions restricting access to college district technology resources without permission.

FLBE (LEGAL) STUDENT CONDUCT
ALCOHOL AND DRUG USE

SB 966 creates a defense to the prosecution of underage drinking and minor in possession of alcohol. A minor may raise the defense if the minor reports that the minor or another person was sexually assaulted or if another person reports that the minor was sexually assaulted. The sexual assault must have occurred at the time of the offense.

FLC (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

HB 2931 updated a statutory reference to reflect renumbered provisions.

FM (LEGAL) DISCIPLINE AND PENALTIES

SB 969 prohibits a college district from disciplining a student who reports in good faith that he or she was a victim of or a witness to sexual assault, sexual harassment, dating violence, or stalking if the misconduct occurs at or around the time of the reported incident.

GA (LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

A citation has been updated as a result of HB 1488.

GCA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

SB 256 amends references to the attorney general's address confidentiality program to clarify that victims of sexual abuse and trafficking of persons may participate in the program.

HB 1861 and SB 532 make confidential under the Public Information Act information arising directly from the routine efforts of a college district to detect, investigate, mitigate, or prevent a computer security incident. A college district must still provide notice of a breach of system security as required by law.

GCB (LEGAL) PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

SB 79 changes political subdivision references to a governmental body regarding online access under the Public Information Act (PIA).

HB 3107 amends existing PIA request procedures to provide greater clarity regarding the deadline to inspect the requested information or pay required charges before the request is considered withdrawn and to calculate charges incurred while responding to PIA requests, including large or frequent requests.

Explanatory Notes

Community College Localized Policy Manual Update 33

GCB (LOCAL) PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

Recommended revisions to this local policy clarify when the time spent responding to a request for public information reaches a threshold permitting the college district to charge the requestor for additional personnel time as a result of HB 3107.

GD (LEGAL) COMMUNITY USE OF COLLEGE DISTRICT FACILITIES

HB 1735 amends the definition of electioneering to exclude the distribution of notice of a party convention authorized under the Election Code.

GDA (LEGAL) COMMUNITY USE OF COLLEGE DISTRICT FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

A minor revision to clarify the cross reference to the policy on weapons, CHF, has been made to this legal policy.

GE (LEGAL) ADVERTISING AND FUNDRAISING

SB 2006 replaces the term "outdoor advertising" with "commercial sign" and provides new definitions for the terms "commercial sign" and "sign."

GH (LEGAL) RELATIONS WITH SCHOOLS AND DISTRICTS

SB 1091 addresses dual credit course limitations and clarifies that a student may only be granted credit for a dual credit course if the course was in the offering college district's core curriculum; was a career and technical education course; or was a foreign language course. The course restrictions do not apply to an early college program, including an Early College High School, that enables high school students to earn a certificate or an associate's degree. This provision is effective beginning with the 2018 spring semester.

SB 2094 addresses workforce continuing education, including funding and waiver of tuition and fees.

GL (LEGAL) RELATIONS WITH BUSINESSES AND THE COMMUNITY

SB 255 excepts contracts with publicly traded business entities, electric utilities, and gas utilities from the required disclosure of interested parties. The changes apply to a contract entered into or amended after January 1, 2018.

Additionally, new Administrative Code provisions clarifying the contract changes that trigger the disclosure of interested parties requirement and related exceptions have been added to this legal policy.

HB 3859 prohibits a college district from discriminating or taking adverse action against a child welfare services provider.