

# Explanatory Notes

## TASB Localized Policy Manual Update 81

District: Wylie ISD-Taylor County

A (LEGAL) BASIC DISTRICT FOUNDATIONS

We have revised the A section table of contents to reflect that policy code AE—previously titled “Educational Philosophy/Mission Statement”—has been retitled “Educational Philosophy.”

AE (LEGAL) EDUCATIONAL PHILOSOPHY

HB 2563, effective September 1, 2007, (all bills referenced in these explanatory notes are from the 80<sup>th</sup> Legislative Session unless otherwise indicated) added a requirement that the board adopt a vision statement and comprehensive goals for the district and superintendent. TASB Leadership Team Services offers resources to help your district develop a vision statement; go to <http://www.tasb.org/services/lts/resources> and select “Vision and Goals” from the More Options box. After the board adopts an appropriate vision statement and comprehensive goals for the district, please contact your policy consultant/analyst so that they may be included in your district’s manual.

BAA (LEGAL) BOARD LEGAL STATUS  
POWERS AND DUTIES

HB 2563, effective September 1, 2007, lists several board duties, many of which were either in existing statutes or were implied by existing statutes. As a result of HB 2563, the following mandatory board duties have been included in this policy:

- Monitor progress toward the district’s comprehensive goals;
- Establish performance goals on academic and fiscal performance indicators;
- Adopt a tax rate each fiscal year;
- Monitor district finances;
- Require annual financial audits and publish an end-of-year financial report;
- Ensure that the superintendent implements and monitors plans, procedures, and programs in the major areas of district operations;
- Ensure that the superintendent addresses district performance;
- Conduct elections;
- Make employee termination and nonrenewal decisions;
- Establish relationships with outside entities; and
- Establish grievance procedures.

In addition, the board may levy, assess, and collect ad valorem taxes; enter into contracts; and delegate contractual authority to the superintendent as appropriate.

The bill also adds items on which the board and superintendent must collaborate, such as student achievement, community support, educational leadership, policies and goals tied to the district’s vision statement and long-range educational plan, professional development, and evaluation of board and superintendent leadership, governance, and teamwork. These provisions have also been added at BJA(LEGAL). [See the explanatory note for that policy.]

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### BBA (LEGAL) BOARD MEMBERS ELIGIBILITY/QUALIFICATIONS

Provisions from HB 417, effective September 1, 2007, have been added regarding board member candidate ELIGIBILITY. The candidate eligibility provisions already barred individuals determined by a court to be mentally incompetent. Now the mental incapacity provisions distinguish between total and partial mental incapacity and address a court's restoration of a person's mental capacity. HB 417 made corresponding changes to the definition of "qualified voter" in this policy.

### BBB (LEGAL) BOARD MEMBERS ELECTIONS

Changes arising from the 80<sup>th</sup> Legislative Session are as follows:

- Added at TERMS is a provision from SB 670, effective April 25, 2007, that allows the board to adopt a resolution changing the length of its trustee terms. Any such resolution must be adopted by December 31, 2007, and any changes will apply to elections that occur after January 1, 2008. This provision allows a district to fully comply with the joint election obligations added by HB 1 in the 79<sup>th</sup> Legislature, third called session, and further explained in Attorney General Opinion GA-535 (April 4, 2007).

If your district revises its trustee terms, please contact your policy consultant/analyst so that we may change your BBB(LOCAL) policy accordingly.

- A new provision from SB 493, effective September 1, 2007, has been added allowing a district to create the position of JOINT ELECTIONS ADMINISTRATOR.
- HB 2926, effective September 1, 2007, prompted the removal from BALLOT, ELECTION OFFICIALS, AND POLLING PLACES of a provision applicable only to Houston ISD and surrounding districts regarding the use of county polling places for November elections.
- A new provision, USE OF CERTAIN DEVICES AT POLLING PLACES PROHIBITED, contains a prohibition regarding the use of certain wireless communication devices and recording devices within 100 feet of a voting station. This material is from HB 1921, effective September 1, 2007.
- At VOTERS WITH DISABILITIES, HB 556, effective June 15, 2007, adds details regarding when a district is required to meet the requirements for disabled voter accessibility.
- SB 397, effective June 15, 2007, requires revision of text at OATH OF OFFICE to allow a judge, retired judge, or clerk of a municipal court to administer the oath.

### BBD (LEGAL) BOARD MEMBERS TRAINING AND ORIENTATION

As reflected at REQUIRED TRAINING, HB 2563, effective September 1, 2007, directs the board, at the last regular meeting of the calendar year, to include in the minutes whether each trustee has completed any training required to be completed as of the meeting date. This is in addition to an existing provision at ANNUAL COMPLIANCE ANNOUNCEMENT requiring the board to announce and record the completion of board member training at the meeting at which the call for elections is normally scheduled.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### BBFA (LEGAL) ETHICS CONFLICT OF INTEREST DISCLOSURES

HB 1491, effective May 25, 2007, made several changes to Chapter 176 of the Local Government Code, prompting revisions to this policy as follows:

- At CONFLICTS DISCLOSURE STATEMENT:
  - Local government officers must file conflict disclosure statements ("statement") regarding an applicable vendor if the vendor enters into a contract with a district or a district is "considering entering into a contract" with the vendor. Previously, the filing of a statement was triggered if the district was "considering doing business" with a vendor, a much broader standard.
  - Also beneficial is the change to the amount of taxable income that triggers the filing of a statement. Previously, any amount of taxable income was considered; now only income exceeding \$2,500 is considered.
  - HB 1491 also clarifies that political contributions do not trigger the filing of a statement, nor do gifts given by family members.
- At VIOLATIONS, a local government officer does not commit a Class C misdemeanor for failing to file a statement if the officer files the statement within seven business days after the district notifies the officer of the alleged violation. Previously, it was not clear which entity would give notice to the officer.
- At DEFINITIONS:
  - A "LOCAL GOVERNMENT OFFICER" now includes an employee of the district to whom the district has extended the filing requirements of Chapter 176.
  - The term "FAMILY MEMBER" excludes certain individuals when a marriage ends in death or divorce and a child of the marriage is still living.
  - A district may designate someone other than the superintendent to be the "RECORDS ADMINISTRATOR."
  - New text from HB 1491 defines the term "INVESTMENT INCOME."
- At INTERNET POSTING REQUIREMENT, HB 1491 clarifies that only required statements and questionnaires must be posted.

The Texas Ethics Commission must release revised conflict of interest statement and questionnaire forms to comply with these changes by October 1, 2007. [See the explanatory note at CHE(LEGAL) for changes to vendor conflict disclosure questionnaires.]

### BDAE (LEGAL) OFFICERS AND OFFICIALS DUTIES AND REQUIREMENTS OF DEPOSITORY

As reflected at METHOD, HB 2411, effective June 15, 2007, gives districts the option of using a request for proposal process, in addition to the competitive bidding process, to select a depository. The bill also amended provisions related to TIE BIDS AND PROPOSALS. At DUTIES, text has been added from the bill allowing a district and its depository to agree to extend the contract for two additional terms. Formerly, the statute only provided for an extension by agreement for one term.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### BDAE (LOCAL) OFFICERS AND OFFICIALS DUTIES AND REQUIREMENTS OF DEPOSITORY

As indicated in the explanatory note for BDAE(LEGAL), above, districts now have the option of using a request for proposal process, in addition to the competitive bidding process, to select a depository. A new local provision allows the board to delegate to the superintendent the authority to determine the method of SELECTING A DEPOSITORY. This provision is similar to one already in CH(LOCAL), last issued at Update 79, allowing superintendents to choose the method of purchasing for goods or services.

### BE (LEGAL) BOARD MEETINGS

Changes arising from the 80<sup>th</sup> Legislative Session are as follows:

- In a new first paragraph, a statement from HB 2563, effective September 1, 2007, has been added specifying that a board may act only by majority vote of the members present at a meeting at which a quorum of the board is present and voting.
- At SOCIAL FUNCTION OR CONVENTION: SB 1306, effective May 22, 2007, adds to the definition of "meeting" exceptions for ceremonial events and press conferences. If formal action is not taken and discussion of public business at these events is only incidental, the events do not need to comply with the Open Meetings Act.
- At SUPERINTENDENT PARTICIPATION: HB 2563 also requires the board to give the superintendent an opportunity at a meeting to present a recommendation to the board on any item that is voted on by the board at that meeting.
- At BOARD MEMBER ATTENDANCE and AVAILABILITY, on page 2: HB 2563 requires the minutes to reflect each member's attendance and adds information about accessibility of the minutes.
- At EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA, on page 4: SB 1499, effective June 15, 2007, adds a reason for which a board may hold an emergency meeting when immediate board action is required. The sudden relocation of a large number of residents from a declared disaster area to the district's jurisdiction is considered a reasonably unforeseeable situation. The notice of the meeting must be given to the news media at least one hour before the meeting.
- At SPECIAL NOTICE TO NEWS MEDIA, on page 5: SB 592, effective June 15, 2007, removes outdated provisions allowing notice to the media by telegraph and now permits notice by facsimile transmission or electronic mail.
- At DISASTER: SB 61, effective June 15, 2007, allows less than a quorum of the board to act where a disaster has been declared and a majority of board members are unable to be present because of the disaster.

### BJA (LEGAL) SUPERINTENDENT QUALIFICATIONS AND DUTIES

Several legislative changes from HB 2563, effective September 1, 2007, are incorporated into this policy. The bill lists numerous DUTIES for the superintendent, as follows:

- Assuming administrative responsibility and leadership for the "organization" of the district's education programs, services, and facilities;
- Overseeing compliance with the standards for school facilities;

# Explanatory Notes

## TASB Localized Policy Manual Update 81

- Implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations;
- Administering the budget;
- Providing leadership for the improvement of student performance, if necessary;
- Consulting with the district-level decision-making committee;
- Ensuring adoption and enforcement of a student code of conduct and other disciplinary rules and procedures;
- Submitting reports required by law;
- Providing joint leadership with the board; and
- Ensuring implementation of board policies.

The bill also adds items on which the board and superintendent must collaborate, such as student achievement, community support, educational leadership, policies and goals tied to the district's vision statement and long-range educational plan, professional development, and evaluation of board and superintendent leadership, governance, and teamwork. These provisions have also been added at BAA(LEGAL). [See the explanatory note for that policy.]

### BQ (LEGAL) PLANNING AND DECISION-MAKING PROCESS

HB 121, effective May 18, 2007, requires a district to adopt and implement a dating violence policy. Because the policy must be included in the district improvement plan, details of the legal requirements for the policy are placed here, at item 10 under DISTRICT IMPROVEMENT PLAN. The Texas Teen Dating Violence Awareness and Prevention Initiative, formed by the Texas Governor's Commission for Women and the Texas Education Agency, has developed materials to guide districts in creating the dating violence program to be included in the district improvement plan. These materials may be accessed at <http://www.governor.state.tx.us/divisions/women/work/violence/toolkit>.

Local policy text prohibiting dating violence has been added at FFH(LOCAL).

### C (LEGAL) BUSINESS AND SUPPORT SERVICES

We have revised the C section table of contents to include the new code CKD, Emergency Medical Equipment and Procedures.

### CFA (LEGAL) ACCOUNTING FINANCIAL REPORTS AND STATEMENTS

HB 2365, effective August 27, 2007, adds Chapter 2264 to the Texas Government Code. Primarily focusing on accounting principles for post-employment benefits extended to retired employees, Chapter 2264 also contains requirements for accounting and reporting financial activities, as reflected at ACCOUNTING SYSTEM.

At PUBLICATION is a change prompted by HB 978, effective May 8, 2007. A district must publish its annual financial statement not later than the 150<sup>th</sup> day after the end of the fiscal year, an extension of the previous 120-day deadline. The 150-day deadline is consistent with a district's requirement to file its annual audit report with TEA not later than the 150<sup>th</sup> day after the end of the fiscal year.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### CH (LEGAL) PURCHASING AND ACQUISITION

Legislative changes affecting this policy are as follows:

- Text regarding catalog purchases, which HB 2918 removed as a permissible purchasing method, has been deleted from the list at PURCHASES VALUED AT OR ABOVE \$25,000. This bill is effective September 1, 2007.
- HB 273 requires a district to consider certain items, listed at FACTORS, in awarding a contract entered into after June 16, 2007, the effective date of the bill. Prior to HB 273, consideration of these items was permissive.
- At PROFESSIONAL SERVICES, provisions have been added from HB 1886 prohibiting the use of an interlocal contract after September 1, 2007, to purchase engineering or architectural services.
- At COMPUTERS, the reference to the Texas Building and Procurement Commission (BPC) has been changed to the Department of Information Resources, in accordance with HB 3560, effective September 1, 2007. HB 3560 also transfers several duties from the BPC to the comptroller, requiring conforming changes at several locations in the policy.
- On page 5, a new section, AUTOMATED INFORMATION SYSTEM, has been added, specifying permissible methods to purchase such systems after September 1, 2007, in accordance with HB 2918.
- SB 7, effective June 15, 2007, adds requirements regarding the purchase and lease of AUTOMATED EXTERNAL DEFIBRILLATORS.
- For certain contracts valued at or above \$25,000, a district must document management fees in a report to be included in the minutes of a board meeting. This material, from HB 273, has been added at MANAGEMENT FEE REPORT on page 10.
- At ENERGY OR WATER CONSERVATION MEASURES is new language requiring boards to establish goals to reduce electricity consumption beginning September 1, 2007, in accordance with SB 12.
- Extensive provisions from SB 9 have been added at CRIMINAL HISTORY, beginning on page 11. This material details criminal history record information checks for employees of entities that contract with a school district. [See the explanatory note for DBAA(LEGAL) for more information on SB 9.]

### CHE (LEGAL) PURCHASING AND ACQUISITION VENDOR RELATIONS

HB 1491, effective May 25, 2007, clarifies that a vendor must file a conflicts disclosure questionnaire only for certain business relationships, not mere affiliations. The section DEFINITION OF BUSINESS RELATIONSHIP has been added to help determine when vendors must file.

The Texas Ethics Commission must release revised conflict of interest statement and questionnaire forms to comply with these changes by October 1, 2007. [See the explanatory note at BBFA(LEGAL) for changes to local government officer conflict disclosure statements.]

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### CKD (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY MEDICAL EQUIPMENT AND PROCEDURES

This new policy has been created to house material from SB 7 on automated external defibrillators (AEDs). Beginning with the 2007–08 school year, districts must make AEDs available at certain athletic competitions and practices. Districts must also make available to employees and volunteers instruction on CPR and AEDs [see policy DMA] and require certification of some employees [see DBA].

[See the explanatory note at CH(LEGAL) for purchase or lease provisions regarding AEDs.]

### CMD (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

New provisions at SUPPLEMENTAL TEXTBOOKS reflect material from HB 188, effective June 16, 2007. Districts may use textbook credits to purchase supplemental textbooks or may order a supplemental textbook in combination with a non-conforming textbook if together the textbooks cover each TEKS for the course.

At TEXTBOOK CREDIT, also from HB 188, are provisions explaining under what circumstances a district is entitled to a textbook credit.

In addition, a provision regarding employee payment for textbooks that are lost, stolen, or misplaced has been moved to the more appropriate code DG(LEGAL). [See the explanatory note at DG(LEGAL) for more information.]

### CNA (LEGAL) TRANSPORTATION MANAGEMENT STUDENT TRANSPORTATION

Changes enacted during the 80<sup>th</sup> Legislative Session affect this policy as follows:

- At AUTHORITY: HB 273, effective June 16, 2007, permits a district to establish a transportation system outside the district through an interlocal contract.
- At BUS OPERATION: HB 3190, effective September 1, 2007, prohibits a person from operating a bus if the door is open or the passenger load is too great.
- At DESIGNATION OF CHILD-CARE FACILITY OR GRANDPARENT'S RESIDENCE: SB 1713, effective June 16, 2007, amends the provision permitting a district to allow a parent to designate a child-care facility or grandparent's residence as the student's bus stop. Districts are now required to allow the designation as long as the designated location is on an approved route.
- At STUDENT SAFETY: HB 3190 requires bus drivers to prohibit passengers from standing in the bus or sitting in inappropriate locations.
- At SCHOOL BUS EMERGENCY EVACUATION TRAINING: HB 3190 also adds a new requirement for districts to conduct school bus evacuation training for students and teachers at least twice each year. The district must certify compliance to the Texas Department of Public Safety.

### D (LEGAL) PERSONNEL

We have revised the D section table of contents to include the new code DBAA, addressing Criminal History and Credit Reports.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

SB 158, effective September 1, 2007, requires educational diagnosticians who begin employment with a school district on or after September 1, 2008, to hold an appropriate certificate or permit issued by SBEC. An educational diagnostician employed by a district before September 1, 2008, may continue working for that district without obtaining a certificate or permit. Districts should note that SBEC rules already required educational diagnosticians to be certified. The new provision may be found at PROFESSIONAL PERSONNEL.

SB 7, effective June 15, 2007, includes employee certification requirements for cardiopulmonary resuscitation (CPR), first aid, and the use of automated external defibrillators (AEDs), as reflected at CPR AND FIRST AID CERTIFICATION and AED CERTIFICATION on page 6. The bill requires all nurses, coaches, PE teachers, marching band directors, cheerleading sponsors, and other employees specified by the commissioner to be certified in the use of AEDs. Head coaches, marching band directors, and the chief sponsors of extracurricular activities are required to be certified in first aid and CPR. [See the explanatory note at DMA(LEGAL) for more information.]

### DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CRIMINAL HISTORY AND CREDIT REPORTS

This new policy was developed to gather together in a single code text regarding criminal history records for employees. Much of this information comes from SB 9, which requires a review of the criminal history information on school district employees.

The DEFINITIONS section provides information on the Criminal History Clearinghouse, established by SB 9, which is an electronic clearinghouse and subscription service to be created by the Texas Department of Public Safety (DPS) to house national criminal history record information (NCHRI). The DEFINITIONS section also highlights the difference between criminal history record information (CHRI) and NCHRI.

As indicated at CERTIFIED PERSONS, SBEC will review the NCHRI of certified employees.

At NONCERTIFIED PERSONS and SUBSTITUTE TEACHERS, provisions were added to reflect a school district's obligation to obtain information from the DPS Clearinghouse on these district employees and employees of shared service arrangements. In addition, the text specifies that TEA will notify the district if an individual may not be hired or must be discharged because of criminal history record information.

As indicated at STUDENT TEACHERS, these individuals may not perform duties until they provide the district a driver's license or other form of identification and the district has obtained CHRI from DPS.

Also included are the district's obligations for obtaining CHRI for ALL OTHER EMPLOYEES not subject to a NCHRI review.

Extensive provisions at DISCHARGE OF CONVICTED EMPLOYEES address when a district must discharge an employee or refuse to hire an applicant with a criminal record.

SB 9 allows the district to charge certain individuals for the fees related to obtaining their criminal history record information. Noncertified employees, substitutes, and student teachers may all be charged. If your district wishes to charge these individuals, you should establish procedures in administrative regulations.

[See the explanatory note at GKG(LEGAL) regarding criminal history checks of volunteers. See the explanatory note at CH(LEGAL) regarding criminal history checks of individuals employed by an entity that contracts with the district.]



# Explanatory Notes

## TASB Localized Policy Manual Update 81

For more information on criminal history checks, see the Frequently Asked Questions by Legal Services at <http://www.tasb.org/services/legal/faqs/personnel.aspx>.

Provisions from the federal Fair Credit Reporting Act were also added to this policy, beginning at CONSUMER CREDIT REPORTS. These provisions address limitations on a district's ability to obtain consumer credit reports for employment purposes, identify when a district may take adverse action against an applicant or employee based on a report, and include record disposal requirements added by the Fair and Accurate Credit Transactions Act.

### DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

Text at CONFLICT DISCLOSURE STATEMENT has been amended based on HB 1491, effective May 25, 2007. A district may extend the requirement to file a conflict disclosure statement to any employee who has the authority to approve contracts. These employees must be identified in policy. Disciplinary action may be taken against such an employee for failing to file the statement only if the employee knowingly fails to file. A definition of "contract" has also been added.

[See the explanatory note at BBFA(LEGAL) for more information on HB 1491.]

At PERSONAL SERVICES PERFORMED BY SUPERINTENDENT, on page 5, are new restrictions from HB 189, effective May 15, 2007, regarding financial benefits received by a superintendent for personal services. Any financial benefits must be approved by the board.

### DBE (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS NEPOTISM

HB 2563, effective September 1, 2007, modifies the nepotism prohibitions at SUPERINTENDENT. Where the board has delegated hiring authority to the superintendent, the superintendent is subject to the nepotism laws with respect to the delegated hiring authority, and the board members remain subject to the nepotism prohibition for all employees.

### DC (LEGAL) EMPLOYMENT PRACTICES

As required by HB 2563, effective September 1, 2007, the district's employment policy must now provide for the board to employ and evaluate the superintendent.

HB 2563 also requires the employment policy to allow employees to present grievances to the board. Moreover, SB 135 provides that district policy may not restrict employee access to board members regarding communication about a matter relating to the operation of the district outside of the grievance or appeal process. These provisions, outlined at EMPLOYEE GRIEVANCES, are repeated at DGBA(LEGAL) because of their implications regarding the grievance process. New text has also been added to DGBA(LOCAL) regarding this issue.

Reflected at SUPERINTENDENT RECOMMENDATION and pursuant to HB 2563, the board's acceptance or rejection of a superintendent's recommendation regarding the selection of district personnel must now be recorded in the minutes.

Criminal history record provisions previously found at this policy were moved, as modified by legislative changes, to DBAA(LEGAL), the new code addressing criminal history records for employees.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### DC (LOCAL) EMPLOYMENT PRACTICES

As indicated in the explanatory note at DBAA(LEGAL), SB 9, effective June 15, 2007, lays out extensive mandatory provisions on criminal history record information (CHRI). The new law supersedes the previous statute that gave districts an option regarding CHR checks for job applicants and employees, which needed to be addressed in board policy. Since CHR checks are now mandatory, we have deleted that section from the enclosed text.

We have moved your locally developed text regarding the district's EDUCATION AIDE EXEMPTION PROGRAM from this code to DMB(LOCAL). A cross-reference regarding that program as it relates to applicants has been included at APPLICATIONS in this policy.

### DEA (LEGAL) COMPENSATION AND BENEFITS SALARIES AND WAGES

At TRS SURCHARGE FOR REHIRED RETIREES, the exception language was expanded by HB 1846. Previously, districts were required to pay the TRS surcharge for all rehired retirees except for those that the district had reported as retirees in January 2005. For district contributions required to be made on or after September 1, 2007, the district does not need to pay the TRS surcharge if the employee retired before September 1, 2005, which was the effective date of the original legislation on the TRS surcharge.

Expired text regarding educator compensation for the 2006-07 school year has been deleted.

### DF (LEGAL) TERMINATION OF CONTRACT

Repeated at this policy are provisions from DBAA(LEGAL) regarding a district's mandatory obligation to terminate an employee when the district learns that the employee has been convicted of a Title 5 felony or offense requiring registration as a sex offender and the victim was a minor or a student. There is an exception from termination for offenses more than 30 years old. SBEC may sanction an educator who fails to follow these termination requirements, and the superintendent must annually certify to SBEC the district's compliance with these provisions. Still in place, however, are provisions permitting the district to terminate an employee convicted of a felony or of a misdemeanor involving moral turpitude.

At REPORT TO SBEC, is reflected the addition, required by SB 1031, of a third circumstance for which the superintendent must notify SBEC: if the educator engages in conduct that violates assessment instrument security procedures developed by TEA. TEA is slated to adopt these procedures next year.

### DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

At IMMUNITY FROM INDIVIDUAL LIABILITY: NO WAIVER, provisions from SB 370, effective May 17, 2007, specify that a district may not require an employee to waive the employee's professional immunity or require an employee who acts in good faith to pay for or replace the property of a student or other person (including the district) that the employee possessed in the course and scope of employment.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

Language regarding employee payment for textbooks or instructional technology stolen, misplaced, or not returned by a student was removed from CMD(LLEGAL) and placed at this policy at TEXTBOOKS AND TECHNOLOGICAL EQUIPMENT, on page 6. SB 370 modified the existing provision to replace the term "instructional technology" with the statutorily defined term "technological equipment" and to include electronic textbooks. The statute still addresses items that are stolen, misplaced, or not returned but no longer requires that "a student" be the individual who stole, misplaced, or did not return the item. The district may choose, by written agreement, to allow an employee to assume financial responsibility for such items provided the agreement complies with the law as specified in the policy. A district that is considering this option should consult its local attorney.

DGBA (LEGAL) PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

Provisions regarding the district's EMPLOYMENT POLICY added to DC(LLEGAL) at this update are repeated here because of their implications regarding the district's grievance process. In accordance with HB 2563, the employment policy must allow employees to present grievances to the board. Moreover, SB 135, effective April 23, 2007, provides that district policy may not restrict employee access to board members regarding communication about a matter relating to the operation of the district outside of the grievance process.

An additional provision regarding the district's GRIEVANCE POLICY was added pursuant to HB 1622, effective September 1, 2007. The district's policy must allow an employee who has a grievance against his or her supervisor to complain to another supervisor if the grievance alleges unlawful harassment or "the violation of the law in the workplace."

New text has also been added to DGBA(LOCAL) regarding these issues.

A duplicative provision regarding disruption of board meetings has been deleted. This provision remains at BED(LLEGAL).

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

Text at DIRECT COMMUNICATION WITH BOARD MEMBERS reflects a new statutory provision prohibiting a district from restricting employee communications with board members outside of the grievance or appeal process.

At OTHER REVIEW PROCESSES, we have specified that those forms of harassment to be processed in accordance with policy DIA (Freedom from Harassment) include harassment by a supervisor. As provided by DIA(LOCAL), an employee who is a victim of harassment by a supervisor should never be required to report that conduct to the supervisor engaging in the harassment.

At COMPLAINTS AGAINST SUPERVISORS, a similar provision applies if an employee has a complaint about a supervisor's violation of the law. Employees must be allowed to report the conduct to someone other than the employee's direct supervisor. We have therefore added a provision allowing an employee with a complaint about his or her supervisor's violation of the law to file a Level Two grievance with the superintendent. If the allegation is against the superintendent, the employee may complain directly to the board, beginning at Level Three.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

SB 7, effective June 15, 2007, requires certain employees and students to have instruction regarding AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) and requires districts to make available to all employees instruction regarding cardiopulmonary resuscitation (CPR) and the use of AEDs. [See the explanatory note at DBA(LEGAL) for employee certification requirements in first aid, CPR, and the use of AEDs.]

At STEROIDS is added a provision from SB 8, effective June 15, 2007, requiring athletic coaches for UIL activities at or above the seventh grade level to complete training on the health effects of steroids beginning with the 2007-08 school year. This provision is one segment of the broader program for random steroid testing of students who participate in UIL athletics; for more information, visit <http://www.uil.utexas.edu/>.

### DMB (LOCAL) PROFESSIONAL DEVELOPMENT SPECIAL PROGRAMS TRAINING

We have moved your locally developed text regarding the district's EDUCATION AIDE EXEMPTION PROGRAM from DC(LOCAL) to this policy code, which addresses special programs training. Additionally, a cross-reference to this code as it applies to applicants has been included at APPLICATIONS in DC(LOCAL).

### EB (LEGAL) SCHOOL YEAR

HB 2171, effective June 15, 2007, permits a district that does not offer all grade levels and whose students at those grade levels generally attend school in another state to start school as permitted by Texas law or as permitted by the law of the other state.

### EHAB (LEGAL) BASIC INSTRUCTIONAL PROGRAM REQUIRED INSTRUCTION (ELEMENTARY)

SB 530 revised the DAILY PHYSICAL ACTIVITY requirements for elementary students, specified as students in kindergarten through grade 5. (The provision previously included sixth grade students.) SB 530 also overrules State Board of Education rules limiting the physical activity requirements for kindergarten to full-day programs. Elementary students still must participate in 30 minutes of daily physical activity, but a district may now use the alternative schedule of 135 total minutes of physical activity during a school week only if the district determines that requiring the daily physical activity is impractical due to scheduling concerns or other factors. These changes are effective for the 2007-08 school year.

Changes to the daily physical activity requirements for middle school students, also found in SB 530, are not effective until the 2008-09 school year and therefore will be included in a later update.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### EHBG (LEGAL) SPECIAL PROGRAMS PREKINDERGARTEN

As reflected at ELIGIBILITY, SB 758 adds to the list of children eligible for prekindergarten a child who is or has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing relating to the child's removal from the custody of a parent, custodian, guardian, or other caretaker.

### EHBK (LEGAL) SPECIAL PROGRAMS OTHER INSTRUCTIONAL INITIATIVES

This policy was reorganized to group recognition activities into two categories—those that the district must observe and those that are optional for the district to observe. Within each category, activities are listed in order of the months during which the activities are observed. Added to the list of activities that the district must observe are several already found in statute: Father of Texas Day, Sam Rayburn Day, State of Texas Anniversary Remembrance Day, Texas History Month, and Public School Paraprofessional Day. From HB 2237, a new activity the district must observe, "Education: Go Get It" Week, was also added. The purpose of this week is for districts to provide secondary students with information about higher education.

Two optional recognition activities were added by the legislature: Lung Cancer Awareness Month, added by HB 1449, effective September 1, 2007, and Child Safety Month, added by HB 1045, effective June 15, 2007.

A provision on the Hate Crimes Law Program was deleted, since the requirement to develop such a program belongs to TEA rather than school districts.

The previously optional provision on CPR INSTRUCTION for students has been made mandatory by SB 7, effective with the 2008–09 school year.

### EHDD (LEGAL) EXTENDED INSTRUCTIONAL PROGRAMS COLLEGE COURSE WORK/DUAL CREDIT

Beginning with the 2007–08 school year, SB 282 requires districts to provide NOTICE TO PARENTS of high school students about the availability of college credit programs and the contact information for any entity in the district that offers such a program. The district may post this notice on its Web site.

At COLLEGE CREDIT PROGRAM, HB 3485 revises provisions on college credit programs to list the types of courses by which students may earn 12 credit hours of college in high school. Credit may be earned through international baccalaureate, advanced placement, dual credit, or articulated postsecondary courses. HB 3485 became effective June 15, 2007.

### EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

Similar to the parental notice provision added to EHDD(LEGAL) and reflected here at HIGHER EDUCATION COUNSELING, SB 282 also requires districts to notify students of the availability of college credit programs in the district, such as advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. These notices are required beginning with the 2007–08 school year.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

### EK (LEGAL) TESTING PROGRAMS

At LOCAL ACHIEVEMENT TESTING, provisions from SB 1031 have been added limiting a district's ability to administer local assessments in subject areas for which a state assessment is administered to ten percent or less of the instructional days in any school year. Exceptions are allowed for administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, and state assessments.

Extensive provisions were added by SB 1031 regarding college preparation assessments, which are administered at state cost with a corresponding reduction in state funds to the district. Districts must now administer a preliminary college preparation assessment instrument to eighth and tenth grade students for diagnostic purposes. In eleventh or twelfth grade, high school students may take a college preparation assessment instrument of their choice.

At HOME-SCHOOLED STUDENTS, provisions from HB 1844 require districts to allow home-schooled students to take the PSAT/NMSQT or an advanced placement test offered by the district. These students may be charged the same fee, if any, that the district charges its enrolled students to take the tests. A district must provide notice of testing opportunities on its Web site or in a newspaper.

All of these provisions are effective beginning with the 2007-08 school year.

### EKC (LEGAL) TESTING PROGRAM READING ASSESSMENT

At ADOPTION OF READING INSTRUMENTS, text was added to reflect provisions from HB 2237, which requires a district to administer a reading assessment to seventh grade students who did not demonstrate proficiency on the sixth grade reading assessment. HB 2237 was effective June 15, 2007.

As indicated at REPORTS, beginning with the 2008-09 school year, HB 1871 requires a superintendent to report to TEA through the school readiness certification system students' raw scores on the reading instruments. TEA will use the data to determine the effectiveness of prekindergarten programs.

### F (LEGAL) STUDENTS

We have revised the F section table of contents to reflect the updated subtitles for codes FDB (Intradistrict Transfers and Classroom Assignments) and FOE (Emergency and Alternative Placement).

### FD (LEGAL) ADMISSIONS

At GENERAL ELIGIBILITY is a new provision from HB 1137, effective with the 2007-08 school year, allowing a district to admit students who are at least 21 and under 26, and who meet residency requirements, for the purpose of completing the requirements of a high school diploma.

Students ages 21-25 have been added to the list at FOUNDATION SCHOOL PROGRAM, on page 8, to reflect the fact that a district will receive funding for such students if they are admitted. And with the addition of the complete list of students for whom the district receives funding, text at KINDERGARTEN is no longer necessary and has been deleted.

A slight rewording at SCREENING, on page 8, reflects language from SB 415, which converted the acanthosis nigricans screening program, applicable to districts in designated high risk areas, to a broader risk assessment screening for Type 2 diabetes.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

[See the explanatory notes at FDB(LEGAL) and FOC(LEGAL) for additional information on students ages 21–25.]

### FD (LOCAL) ADMISSIONS

Because local policy must reflect the district's choice, provided by HB 1137, on the admission of students ages 21–25, we have added text prohibiting the admission of these students at PERSONS AGE 21 AND OVER. If your district wishes to admit these students for the purpose of completing the requirements for a high school diploma, please contact your policy consultant/analyst for appropriate text.

### FDB (LEGAL) ADMISSIONS INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

The subtitle of this policy has been changed to clarify that the content addresses changes in classroom assignments as well as intradistrict campus-to-campus transfers.

Material from HB 314 was added at MULTIPLE BIRTH SIBLINGS. Beginning with the 2007–08 school year, a parent of multiple birth siblings who are assigned to the same grade level may request that the school place the students in the same classroom or in different classrooms. Unless the request would require the district to add a class to the grade level, the district shall grant the request. After the first grading period, the principal may reassign the siblings if the original placement is disruptive. A parent may appeal the reassignment; however, the siblings will remain in the classroom chosen by the parent during the appeal.

A new provision at PLACEMENT OF OLDER STUDENTS reflects material from HB 1137, effective with the 2007–08 school year. If a district chooses to admit a student age 21–25 to allow the student an opportunity to complete the requirements for a high school diploma and the student has not attended school in the preceding three years, the district may place the student only in certain settings. The older students may not be placed with a student who is 18 or under in the classroom, in a cafeteria, or at another district-sanctioned school activity. [See the explanatory note at FD(LEGAL).]

### FDD (LEGAL) ADMISSIONS SCHOOL SAFETY TRANSFERS

To the term "assailant" at SEXUAL ASSAULT TRANSFER is added a reference to continuous sexual abuse of a young child or children, a new offense added by SB 8.

### FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

At STUDENTS 18 AND OVER appears language from HB 566 permitting districts to extend non-attendance laws to students 18 and over who voluntarily attend school. Even if the district chooses to apply the non-attendance rules to these students, the non-attendance provisions do not apply to these students' parents. This provision is effective beginning with the 2007–08 school year.

## Explanatory Notes

### TASB Localized Policy Manual Update 81

At RELIGIOUS, COURT-RELATED, AND MEDICAL ABSENCES appears material from HB 2455. Effective with the 2007-08 school year, a district must excuse a student from attending school if the student is attending a required court appearance. As with the other mandatory excused absences for holy days and health care appointments, students absent because of a required court appearance must be allowed a reasonable amount of time to make up missed work. A provision regarding the counting of these students for Foundation School Program purposes, also from HB 2455, was added at FEB(LLEGAL).

In addition, a district may excuse certain students who are absent to play "Taps" at a military honors funeral. This provision comes from HB 1187, effective for the 2007-08 school year.

FEA (LOCAL) ATTENDANCE  
COMPULSORY ATTENDANCE

At STUDENTS AGE 18 AND OVER, we have added text applying compulsory attendance laws to students who voluntarily attend school after the student's eighteenth birthday. If your district does not wish to apply compulsory attendance laws to these students, please contact your policy consultant/analyst.

FEB (LEGAL) ATTENDANCE  
ATTENDANCE ACCOUNTING

From HB 2455 comes material allowing a student who is not actually on campus when attendance is taken to be considered in attendance for Foundation School Program purposes if the student is attending a required COURT APPEARANCE. This provision is effective with the 2007-08 school year.

A provision regarding excused absences for required court appearances, also from HB 2455, was added to FEA(LLEGAL).

FEC (LEGAL) ATTENDANCE  
ATTENDANCE FOR CREDIT

New provisions from HB 1137 allow a student who attends at least 75 percent but less than 90 percent of the days a class is offered to obtain credit if the student completes a plan approved by the school's principal that addresses the instructional requirements of the class, as indicated at PRINCIPAL'S PLAN.

A preexisting provision was added at ADDITIONAL DUTIES requiring additional pay for work done by certified employees outside of the instructional day on attendance committee duties.

Several provisions throughout this policy were reworded for clarity.

FEC (LOCAL) ATTENDANCE  
ATTENDANCE FOR CREDIT

At METHODS FOR REGAINING CREDIT, we have added text allowing a student who attends at least 75 percent but less than 90 percent of the days a class is offered to obtain credit if the student completes a plan approved by the school's principal that addresses the instructional requirements of the class. If the student fails to complete the plan approved by the principal or if the student has less than 75 percent attendance, the student may still petition the attendance committee for credit. If your district will not offer the option of a student obtaining credit through completion of a principal's plan, please contact your policy consultant/analyst.



## Explanatory Notes

### TASB Localized Policy Manual Update 81

At DAYS OF ATTENDANCE, the revision clarifies that a student who is absent for the purpose of attending a required court appearance will now be considered in attendance when determining whether he or she has met the 90 percent attendance requirement for credit. [See FEA(LEGAL).]

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES  
IMMUNIZATIONS

A new section titled IMMUNIZATION AWARENESS PROGRAM reflects text from HB 1059, also known as the Emily Lastinger Act. A district with a Web site shall post in English and Spanish a list of required and recommended immunizations, known health clinics in the district that offer the influenza vaccine, and a link to the Web site of the Texas Department of State Health Services with information on immunization exemptions. This bill is effective beginning with the 2007–08 school year.

FFH (LEGAL) STUDENT WELFARE  
FREEDOM FROM HARASSMENT

As reflected in the first paragraph, HB 121, effective May 18, 2007, requires a district to adopt and implement a dating violence policy. Because the policy must be included in the district improvement plan, details of the legal requirements for the policy are found at BQ(LEGAL). Local policy text is added at FFH(LOCAL).

[See the explanatory note at BQ(LEGAL).]

FFH (LOCAL) STUDENT WELFARE  
FREEDOM FROM HARASSMENT

In response to the HB 121 requirement that school districts address dating violence, we have added that term to the list of prohibited activities at this policy and, at DATING VIOLENCE on page 2, have included the definition from HB 121, as well as several examples. Although all dating violence is prohibited, it will only trigger the procedures detailed in this policy if it rises to a certain level of severity.

[See the explanatory note at BQ(LEGAL).]

FL (LEGAL) STUDENT RECORDS

At SCREENING RECORDS, on page 2, the text has been revised to reflect SB 415, which converted the acanthosis nigricans screening program, applicable to districts in designated high risk areas, to a broader risk assessment screening for type 2 diabetes.

Text at INFORMATION FROM LAW ENFORCEMENT, beginning on page 12, is modified by two legislative bills:

HB 2532, effective June 15, 2007, clarifies that the superintendent or designee may share with a district employee confidential information contained in the notice from law enforcement that a student has been arrested or referred to the juvenile board. This bill also requires the prosecuting attorney to notify the district of a student's registered sex offender status, in addition to conviction or adjudication. After the prosecuting attorney notifies the district of this information, the superintendent or designee must inform the relevant employees "within 24 hours." Previously the superintendent had to give such notice "promptly." As a result of these changes, several margin notes have been added under this section for clarity.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

As reflected at NOTICE OF TRANSFER OR REENROLLMENT, SB 230, effective June 16, 2007, modifies the employee notice requirements when a student transfers or reenrolls. The superintendent of the district to which the student transfers or returns shall, within 24 hours of receiving notice, notify relevant employees.

### FNA (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT EXPRESSION

A provision at FREEDOM OF SPEECH is added based on the recent U.S. Supreme Court case, *Morse v. Frederick*, which clarified that because of the special characteristics of the school environment and the governmental interest in stopping student drug abuse, a district may restrict student expression that it reasonably regards as promoting illegal drug use.

HB 3678, also known as the Religious Viewpoints Antidiscrimination Act, contains extensive provisions on student expression, which are added at EXPRESSION OF RELIGIOUS VIEWPOINTS. This bill, effective with the 2007-08 school year, addresses four general areas of student expression: freedom of religious expression, student speakers, religious expression in class assignments, and freedom of association. The law requires a district:

- To treat a student's expression of a religious viewpoint on an otherwise permissible subject in the same manner as nonreligious speech,
- To adopt a policy establishing a limited public forum for student speakers at all school events at which a student is to publicly speak,
- To evaluate class assignments containing religious content by ordinary academic standards; and
- To allow students to organize religious groups and meetings to the same extent that students are permitted to organize noncurricular student activities and groups.

Included in the bill is a "model" policy. According to the language of the bill, districts that adopt the model or a policy that is "substantially identical" will be considered in compliance with the new law. In July, TASB Policy and Legal Services provided materials to all districts regarding the required local policy so that districts could have a policy in place by the start of the school year. If your district has not yet adopted a policy, please log in to myTASB and view the *Student Expression: Urgent Starting Points*.

[See the explanatory notes at FNAB(LEGAL) for text on student religious groups and activities, as found in HB 3678.]

### FNAB (LEGAL) STUDENT EXPRESSION USE OF SCHOOL FACILITIES FOR NONSCHOOL PURPOSES

HB 3678, also known as the Religious Viewpoints Antidiscrimination Act, contains provisions on student freedom of association. Included at RELIGIOUS GROUPS AND ACTIVITIES is material from HB 3678 requiring a district to allow students to organize religious groups and meetings to the same extent that students are permitted to organize noncurricular student activities and groups.

[See the explanatory note at FNA(LEGAL) for text on other student expression requirements, as found in HB 3678.]

# Explanatory Notes

## TASB Localized Policy Manual Update 81

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

Modified by HB 2532, text regarding a district's PERMISSIVE REMOVAL of a student to a DAEP based on the student's commission of a Title 5 felony has been moved to FOE(LEGAL). [See the explanatory note at FOE(LEGAL) for more information.]

From HB 1137 and effective with the 2007–08 school year, a new provision at OLDER STUDENTS, on page 3, addresses discipline of students between 21 and 26 who the district admits for the purpose of completing high school graduation requirements. An older student is not eligible for placement in DAEP. Instead, a district must withdraw an older student if the student engages in conduct for which removal to DAEP is required or authorized.

FODA (LEGAL) EXPULSION  
JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

New language at TITLE 5 FELONY PLACEMENTS, on page 3, reflects provisions from HB 2532, effective beginning with the 2007–08 school year. HB 2532 permits a district to expel a student for Title 5 felony conduct and place the student in an "alternative setting," which includes either DAEP or JJAEP placement. If the district chooses placement in a JJAEP, the district must reimburse the JJAEP for the actual cost of the student's enrollment.

[See the explanatory note at FOE(LEGAL) for more information on these HB 2532 provisions.]

FOE (LEGAL) STUDENT DISCIPLINE  
EMERGENCY AND ALTERNATIVE PLACEMENT

Legislative changes affecting this policy are as follows:

- HB 2532, effective beginning with the 2007–08 school year, revises disciplinary provisions applicable to students who engage in TITLE 5 FELONY conduct. Previously, a district could choose to place these students in a DAEP. Now, a district may expel the student and place the student in an "alternative setting," which includes either DAEP or JJAEP placement. This provision applies if the student has been arrested, charged, referred to a juvenile court, received deferred prosecution or adjudication, received probation, or been found by a court or jury to have engaged in, or been convicted of, conduct defined as a felony offense and the board or designee makes certain determinations, as listed at item 2 on page 1. The student is subject to the placement until the student graduates, the charges are dismissed or reduced, or the student completes the placement, even if the student transfers to another district in the state. These students are entitled to periodic reviews of their status.
- At REGISTERED SEX OFFENDERS is new language also required by HB 2532. When a district receives notice that a student is a registered sex offender, the district must remove the student from the regular classroom and determine an appropriate placement—either DAEP, JJAEP, or the regular classroom, depending on whether the student is under court supervision. A REVIEW COMMITTEE must reconsider the student's placement at the end of the first semester of placement and make a recommendation to the board or designee regarding continued placement or return to the regular classroom. The board or designee may reject the committee's RECOMMENDATION only if it makes certain determinations as listed on pages 4 and 5. Parental appeals are limited to the factual question of whether the student is required to register as a sex offender.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

A provision regarding payment to the JJAEP for students placed there has been added to FODA(LEGAL). [See the explanatory note at FODA(LEGAL) for more information.]

### GBA (LEGAL) PUBLIC INFORMATION PROGRAM ACCESS TO PUBLIC INFORMATION

Several bills from the 80<sup>th</sup> Legislative Session address release of information under the Public Information Act (PIA):

- At EDUCATOR CERTIFICATION EXAM, SB 9, effective June 15, 2007, makes confidential the results of an educator certification examination.
- At VICTIM OF ABUSE OR IMPROPER RELATIONSHIP, HB 3659, effective September 1, 2007, adds an exception to release for the name of a student involved in an improper relationship with an educator.
- At PARTICIPANT IN ADDRESS CONFIDENTIALITY PROGRAM, SB 74, effective June 15, 2007, adds an exception to release for the addresses of participants in the Attorney General's Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking.
- At VICTIMS OF CERTAIN CRIMES are provisions revised by HB 1042 allowing district employees who are crime victims to elect whether to allow public access to information held by the district that might identify the victim. HB 1042 is effective September 1, 2007.
- At INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE, SB 9 adds an exception for release of an audit working paper, including any audit relating to the criminal history background check of an employee.
- At SOCIAL SECURITY NUMBERS, HB 2061 clarifies that Social Security numbers are not confidential; however, a district may redact them from any information the district releases to the public. HB 2061 was effective March 28, 2007.

### GBAA (LEGAL) INFORMATION ACCESS REQUESTS FOR INFORMATION

Legislative changes affecting this policy are as follows:

- A new paragraph at TIME FOR RESPONSE contains material from HB 1497, effective September 1, 2007. If a district sends an individual who has made a request under the Public Information Act (PIA) a written demand to clarify the request, the requestor must respond by the 61<sup>st</sup> day or the request is considered withdrawn.
- At DEPOSIT OR BOND, SB 175 clarifies that a requestor who is required to post a bond or make a deposit must do so before the tenth business day after the date the deposit or bond is required. This bill became effective on June 15, 2007.

# Explanatory Notes

## TASB Localized Policy Manual Update 81

- A new section on page 13, LARGE OR FREQUENT REQUESTS, contains material from HB 2564, effective June 15, 2007. Meant to address the concerns of governmental entities that receive frequent requests for large amounts of information from the public, the new law allows districts to charge certain requestors if personnel time spent responding to requests exceeds a specified amount of time established by the district, which may not be less than 36 hours. With each request, the district must send the requestor a written statement with the amount of personnel time spent on the request. If the time spent exceeds the hourly limit, the district must send a written estimate of the cost to the requestor. The Attorney General will establish a fee schedule. The requestor must commit to paying the fee or the request is considered withdrawn. The district may not apply these provisions to certain requestors, listed at EXCEPTION.

If your district wishes to establish an hourly limit at which the district will begin charging requestors for time spent on PIA requests, please contact your policy consultant/analyst.

Additionally, text at DESTRUCTION OF RECORDS has been deleted, as this material was moved to CPC(LEGAL) at Update 80.

### GBAA (LOCAL) INFORMATION ACCESS REQUESTS FOR INFORMATION

The information in this local policy is better addressed in administrative regulations; therefore, we recommend deletion of this policy. [See GBAA(REGULATION) in the *TASB Regulations Resource Manual*.] If, however, your district wishes to charge individual PIA requestors for personnel time spent on their requests, please contact your policy consultant/analyst for text establishing an hourly limit above which the district will assess charges.

### GKC (LEGAL) COMMUNITY RELATIONS VISITORS TO THE SCHOOLS

SB 9, effective June 15, 2007, provides that a district may require visitors to show identification and, for security purposes, may establish a database to store such information. Further, the district may access the Texas Department of Public Safety database or other databases to determine whether the visitor is a registered sex offender. Provisions were added at this legal policy to address these issues; local policy is required to determine how the administration will handle visitors identified as sex offenders.

[See the explanatory notes for CH(LEGAL), DBAA(LEGAL), and GKG(LEGAL) for information on the other provisions of SB 9.]

### GKC (LOCAL) COMMUNITY RELATIONS VISITORS TO THE SCHOOLS

SB 9 requires districts to have a policy addressing administrator response when a visitor is identified as a sex offender. Therefore, we have added text at REGISTERED SEX OFFENDERS ON DISTRICT PREMISES requiring the superintendent, working with campus administrators, to develop procedures.

### GKG (LEGAL) COMMUNITY RELATIONS SCHOOL VOLUNTEER PROGRAM

As reflected at CRIMINAL HISTORY RECORD, SB 9, effective June 15, 2007, provides that, with certain exceptions noted below, a district must obtain for each volunteer criminal history information from the Texas Department of Public Safety and may obtain the information from another entity.

## Explanatory Notes

### TASB Localized Policy Manual Update 81

A district may, but is not required to, obtain criminal history information on a volunteer if the person is a parent, guardian, or grandparent; will be accompanied by a school employee while on campus; or is volunteering for a single event.

The district must also require all volunteers to provide identification and may require volunteers to pay the costs of obtaining the criminal history information. If your district wishes to charge volunteers for the cost of obtaining this information, you should establish procedures in administrative regulations.

[See the explanatory notes at CH(LEGAL), DBAA(LEGAL), and GKG(LEGAL) for information on the other provisions of SB 9.]

GKG (LOCAL) COMMUNITY RELATIONS  
SCHOOL VOLUNTEER PROGRAM

The information in this local policy at PURPOSE, QUALIFICATIONS, and AUTHORITY is better addressed in administrative regulations; therefore, we recommend deletion of this policy. [See the **TASB Regulations Resource Manual** at this code.] The extensive provisions on criminal history record information in SB 9 make text at CRIMINAL HISTORY RECORD CHECK unnecessary in local policy.