

Explanatory Notes

TASB Localized Policy Manual Update 114

Bandera ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Changes at Update 114 are based almost exclusively on legislation from the 86th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

For more information about the bills mentioned below and other changes from the 86th Legislative Session, download the free *2019 Legislative Summary for TASB Members* PDF at <https://store.tasb.org/legislative-summary-for-tasb-members-pdf/>.

An overview video of the local policy changes is available under Policy Manual Update Resources in the myTASB Policy Service Resource Library at <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

AF(LEGAL)

INNOVATION DISTRICTS

Revisions from HB 3 explain that the commissioner may revoke district of innovation status for the district's failure to comply with TEA's employment registry or criminal history background requirements.

AG(LEGAL)

HOME-RULE DISTRICTS

Minor revisions to the list of Education Code requirements that apply to home-rule districts are from HB 3. The bill also provides that it is a material violation of a home-rule district's charter if the district fails to comply with TEA's employment registry or criminal history background requirements.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

HB 3 requires the annual performance report to include progress on early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans.

Provisions on the high school allotment performance review have been repealed.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

The commissioner may authorize a district to enter into a memorandum of understanding with an institution of higher education to improve district performance (HB 4170).

Campus interventions and sanctions were affected by:

- HB 4170, which revised the duties of the campus intervention team; and
- HB 4205, which revised provisions on repurposing of a campus and clarified that commissioner decisions on campus turnaround are final and not subject to appeal.

Monitoring reviews and random on-site investigations may be conducted to ensure qualification of funding in accordance with HB 3.

SB 11 permits the commissioner to appoint a conservator for the district if TEA receives notice from the Texas School Safety Center of a district's failure to submit a multihazard emergency operations plan.

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B(LLEGAL) LOCAL GOVERNANCE

The B Section table of contents has been revised to delete BDAF, the content of which has been moved to CCG.

BAA(LLEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES

New board duties include adoption of a cybersecurity policy (SB 820); development of early childhood literacy and mathematics proficiency plans (HB 3); development of college, career, and military readiness plans (HB 3); and completion of an efficiency audit before holding an election seeking voter approval to adopt a maintenance and operations tax rate. Adjustments to the board's discretionary powers and duties include reference to the use of the board evaluation tool developed by the commissioner and deletion of a provision that is not located in Chapter 11 of the Education Code.

BBA(LLEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

SB 2283 clarifies that a person convicted of a felony is ineligible to serve on a school board.

HB 831 clarifies the factors for a court to consider when determining whether a candidate has satisfied continuous residency requirements after a temporary absence.

BBBA(LLEGAL) ELECTIONS: CONDUCTING ELECTIONS

Legislation affected several provisions on conducting elections:

- HB 1241 requires additional detail in notices of polling place locations;
- HB 933 clarifies posting obligations and notice to the county clerk and voter registrar;
- HB 1067 provides guidance on ballot adjustments in the event of a candidate's death;
- HB 1888 repeals the exception to the use of county election precincts in May elections if certain circumstances are met;
- HBs 1048 and 1888 affect early voting, including designation of early voting polling places in November elections and the use of temporary branch polling places; and
- HB 1850 addresses posting of information from branch daily registers and early voting rosters.

BBBB(LLEGAL) ELECTIONS: POST-ELECTION PROCEDURES

The order of candidate names on the ballot of a runoff election or election to resolve a tie is specified by HB 88.

BBD(LLEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

HB 403 requires trustees to complete, every two years, one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

BBFA(LLEGAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES

This policy has been updated to better reflect statute.

BBI(LLEGAL) BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

SB 944 requires a current or former trustee who maintains public information on a privately owned device to forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period.

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BDAE(LLEGAL) OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF DEPOSITORY

Depository contracts and bonds no longer have to be filed with TEA per SB 1376.

BDAF(LLEGAL) OFFICERS AND OFFICIALS: SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

Provisions on tax officials as revised by SB 2, effective January 1, 2020, have been moved to CCG. BDAF is no longer an active code.

BE(LLEGAL) BOARD MEETINGS

SB 494 reduces the posting requirement for emergency meetings from two hours to one hour, with conforming changes for notice to the media, and provides examples of what constitutes an emergency or urgent public necessity required for an emergency meeting.

SB 1640 adds provisions on prohibited series of communications among trustees to address what are commonly called "walking quorums." The bill also revises the definition of "deliberation."

BE(LOCAL) BOARD MEETINGS

A recommended revision at Notice to Members reduces the notice to the board to one hour before an emergency meeting to align with the changes from SB 494 (see above).

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

BED(LLEGAL) BOARD MEETINGS: PUBLIC PARTICIPATION

HB 2840 significantly revises public comment requirements at board meetings:

- Public comment on agenda items is required at all meetings, including special meetings and workshops;
- A board must allow each individual who wishes to address the board on an agenda item to do so before or during the board's consideration of the item;
- A board may adopt reasonable rules, including rules that limit the total time an individual is allowed to speak, with additional time for certain types of translation services; and
- A board may not prohibit public criticism of the board, including criticism of any act, omission, policy, procedure, program, or service.

BED(LOCAL) BOARD MEETINGS: PUBLIC PARTICIPATION

Revisions to this local policy are to incorporate the new requirements for public comment from HB 2840 (see above). The policy distinguishes between public comment at regular and special meetings to permit public comment at regular meetings on both agenda and nonagenda items to be consistent with the district's current practice, but limits comments at special meetings to agenda items only. The policy provides that public comment will occur at the beginning of the meeting. The provisions on procedures and meeting management are intended to provide the board's presiding officer flexibility in implementing the new requirements and include:

- A requirement for individuals to sign up for public comment before the meeting begins and to indicate which agenda item they wish to address, if any;
- Retention of the district's current time limit for an individual to speak at a meeting;

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- Deletion of an overall time limit for public comment at a meeting;
- Deletion of the provision requiring delegations of more than five persons to appoint one spokesperson; and
- Broad authority for the presiding officer to make adjustments to the board's public comment procedures, such as adjusting when public comment will occur (it must occur before or during the relevant agenda item), reordering or continuing agenda items to a later meeting, deferring public comment on nonagenda items, expanding opportunities for public comment, or establishing an overall time limit and shortening the time allotted to each speaker to no less than one minute.

Please contact the district's policy consultant if the board wishes to:

- Limit public comment to agenda items only at all meetings;
- Revise the time individuals are permitted to speak at each meeting; or
- Make other adjustments to this policy.

For further guidance on HB 2840, please see TASB Legal Services' *House Bill 2840–Public Comment and Testimony at Board Meetings*, available on TASB School Law eSource at <https://www.tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/hb2840-public-comment-and-testimony-at-board-meetings.pdf>, and see the *TASB Regulations Resource Manual* for sample board procedures and an audience participation signup sheet.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

BJCB(LLEGAL)

SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Superintendents must receive at least two and a half hours of continuing education every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children (HB 403).

BJCD(LLEGAL)

SUPERINTENDENT: EVALUATION

Details on the disclosure requirements for evaluations, as revised by SB 1230, have been moved to GBA. Other changes are to better match statutory wording.

BQ(LLEGAL)

PLANNING AND DECISION-MAKING PROCESS

The required content of the district improvement plan has been amended by several bills:

- SB 11 requires inclusion of the district's trauma-informed care policy.
- SB 1707 requires inclusion of the law enforcement duties of various types of security personnel.
- HB 111 requires inclusion of the district's policy on sexual abuse, sex trafficking, and other maltreatment of children. (Sex trafficking was added to this existing requirement.)

BR(LLEGAL)

REPORTS

This legally referenced policy on reports is being deleted, as the content is already included in other relevant policy codes.

C(LLEGAL)

BUSINESS AND SUPPORT SERVICES

The C Section table of contents has been revised to separate the legal content on security personnel into four codes:

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- CKE includes general provisions applicable to the various types of district security personnel.
- CKEA includes provisions on commissioned peace officers.
- CKEB includes provisions on school marshals.
- CKEC includes provisions on school resource officers.

Local policies on these topics will remain at CKE with appropriate cross-references to relevant legal provisions.

The CQ series has been revised to add:

- CQB on cybersecurity; and
- CQC on equipment.

CBA(LLEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE

As a result of HB 3, this policy has been updated with a high-level overview of state funding, including the requirement to submit certain information through PEIMS for funding determinations.

HB 3 moves foundation school program funding provisions from Education Code Chapter 42 to Chapter 48.

CCA(LLEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

Several bills affect this legally referenced policy on bonds.

- SB 11 permits debt issuance for purchasing and retrofitting buses and school vehicles for safety and security purposes.
- HB 440 addresses limitations on bond issuance and provides guidance on use of unspent bond proceeds.
- HB 477 adjusts the information required to be included in bond election orders.
- HBs 3 and 477 and SB 30 address language for bond propositions and ballot contents.
- HB 477 requires a district to prepare voter information about proposed bond issuance.

CCG(LLEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

The revisions to this legally referenced policy on ad valorem taxes are based on HB 3 and SB 2, which significantly revise the ad valorem taxation process for school districts.

TEA has published videos explaining the HB 3 tax rate changes and other financial provisions, available at https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3.

Information from the Texas comptroller on changes from SB 2, effective January 1, 2020, is available at <https://comptroller.texas.gov/taxes/property-tax/legal-resource.php>. Provisions on tax officials as revised by SB 2 have been moved to this code from BDAF.

CCGA(LLEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Provisions on ad valorem exemptions and payments are revised as follows:

- HB 1313 extends under certain conditions the residence homestead exemption to the surviving spouse of an individual who was disabled;

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- SB 2, effective January 1, 2020, addresses exemptions for historical structures or archeological sites; and
- Additional detail has been added on split payments, which permit a taxpayer to pay taxes (without discount) in two installments.

Please confirm that the district's CCGA(LOCAL) accurately reflects whether the district permits split payments.

CCH(LEGAL)

LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

SB 2, effective January 1, 2020, revises appraisal district procedures. The bill:

- Adds a prohibition on employing an individual who is an officer or employee of a taxing unit that participates in the appraisal district; and
- Adjusts eligibility to serve on an appraisal district board for prior property appraisers or owner representatives.

CDA(LEGAL)

OTHER REVENUES: INVESTMENTS

HB 293 creates an exception to the ongoing investment training requirements for school district financial officers in limited circumstances.

HB 2706 modifies investment provisions on bond proceeds, fully collateralized repurchase agreements, and commercial paper. The bill modifies the requirements for a public funds investment pool that uses amortized cost.

CDA(LOCAL)

OTHER REVENUES: INVESTMENTS

There are several recommended revisions to this local policy on investments.

HB 2706 allows investment of bond proceeds or pledged revenue only to the extent permitted by the Public Funds Investment Act and in accordance with relevant statutory provisions and the district's local investment policy. Based on these new provisions, the policy revisions authorize investment of bond proceeds and pledged revenue to the extent allowed by law.

Governmental Accounting Standards Board (GASB) Statement No. 84 revised terminology from "agency" funds to "custodial" funds to avoid confusion, prompting a conforming change to this policy. TEA's To The Administrator Addressed Letter, GASB Statement No. 84, Fiduciary Activities, issued on May 23, 2019, provides additional information about GASB 84 and is available at https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/GASB_Statement_No_84_Fiduciary_Activities/.

Finally, the provision requiring an annual comprehensive report to the board in addition to the quarterly reports required by law is recommended for deletion. Districts may continue to provide annual portfolio reports to the board, but no local policy is required if the district chooses to do so.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

Please note: In reviewing the district's policy, it appears that the district permits investments in money market mutual funds. If this is the district's practice, it is recommended that the district include money market mutual funds in the list of approved investment instruments. Please contact your policy consultant if the district would like to revise the policy to include that text.

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CE(LEGAL) ANNUAL OPERATING BUDGET

HB 1495 requires budget itemization regarding expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action.

SB 2, effective January 1, 2020, requires a district to post various tax rate and budget information on the district's website in a format prescribed by the comptroller.

CFC(LEGAL) ACCOUNTING: AUDITS

A district must post on its website certain information, including the district's most recent financial audit, as required by SB 2, effective January 1, 2020.

CFEA(LEGAL) PAYROLL PROCEDURES: SALARY DEDUCTIONS AND REDUCTIONS

The definition of "eligible qualified investment product" is revised by HB 2820. The change permits 403(b) products to be offered by a company that is eligible to offer the product under law. TRS no longer has oversight.

CH(LEGAL) PURCHASING AND ACQUISITION

The prohibition on contracting with a company that boycotts Israel is revised by HB 793, which clarifies that the prohibition does not apply to a sole proprietorship and revises the contracts subject to the prohibition.

Certain district contracts must include provisions requiring the contracting entity to preserve contracting information and provide that information on request of the district. These provisions are from SB 943.

HB 1495 and SB 65 revise the requirements regarding contracts subject to the disclosure of interested parties to include contracts for services that require a person to register as a lobbyist.

Interior design services must be procured under the Professional Services Procurement Act per HB 2868.

HB 2826 adds provisions on contingent fee contracts for legal services.

Districts with fewer than 10,000 students are exempted by SB 1376 from Texas Commission on Environmental Quality provisions requiring a purchasing preference for recycled products.

Other new provisions on contracts address entertainment event contracts (HB 81) and taxpayer resource transactions (SB 22).

CH(LOCAL) PURCHASING AND ACQUISITION

To address the need for the district to have purchasing procedures on a variety of state and federal laws as recommended by TEA, new policy text requires the superintendent to develop appropriate procedures.

Please note that BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees as permitted by law; therefore, references to the superintendent's designee have been removed throughout.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

CK(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT

Revisions from SB 11 include:

- Adjustments to the responsibilities, membership, and meeting requirements for the school safety and security committee; and

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- Additional provisions on the safety and security audit, including consequences for failing to meet the reporting requirements.

CKC(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Several revisions are based on SB 11, which:

- Adds required notice to parents of bomb or terroristic threats at any district facility where students are present;
- Adds to the content of emergency operations plans (EOP); and
- Addresses a district's failure to submit its EOP for review by the Texas School Safety Center (TxSSC) or to correct plan deficiencies identified by the TxSSC.

HB 2195 requires EOPs to include provisions on responding to active shooter emergencies.

CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Recommended revisions are to comply with new requirements for the district's emergency operations plan (EOP) to include "policies" on responding to an active shooter (HB 2195) and access to campus buildings and materials necessary for a substitute teacher to carry out his or her duties during an emergency or emergency drill (SB 11). The policy text affirms that the district's procedures on these topics will be included in the EOP.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

CKD(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY MEDICAL EQUIPMENT AND PROCEDURES

Districts must develop a traumatic injury response protocol no later than January 1, 2020, in accordance with HB 496. The protocol must provide bleeding control stations, require training for security personnel and all other district personnel who may be reasonably expected to use a bleeding control station, and offer similar training to students enrolled at the campus in grade 7 or higher.

Sample administrative procedures on this issue are included in the *TASB Regulations Resource Manual*.

CKE(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

As mentioned above, CKE includes general provisions applicable to the various types of district security personnel. Legislative revisions include:

- Clarification that the board determines the law enforcement duties of security personnel, which must be included in the listed district publications and documents and cannot include routine student discipline, school administrative tasks, or contact with students unrelated to the law enforcement duties (SB 1707); and
- Clarification of training requirements (HB 2195 and SB 11).

CKEA(LLEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

Legal provisions specifically addressing commissioned peace officers have been moved from CKE to this new code. Legislative changes include the optional provision for a law enforcement agency to have an unassigned epinephrine auto-injector program (SB 1827). Other changes are to include the relevant statutory cite in place of the list of duties for peace officers and to revise wording to better reflect statute.

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CKEB(LLEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

Legal provisions specifically addressing school marshals have been moved from CKE to this new code and revised to reflect HB 1387, including:

- Clarification of the board's authority to appoint one or more school marshals for each campus; and
- Deletion of the previous cap on the number of school marshals a board may appoint.

Other changes are to better reflect statute.

CKEC(LLEGAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

Legal provisions specifically addressing school resource officers have been moved from CKE to this new code.

CL(LLEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

SB 668 excludes school districts from provisions that require energy usage reports and repeals the requirement that districts purchase certain energy efficient light bulbs.

Districts with fewer than 10,000 students are exempted by SB 1376 from recycling programs required by the Texas Commission on Environmental Quality (TCEQ). In addition, the TCEQ may exempt a district for which compliance would constitute a hardship.

CMD(LLEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Legislative changes on instructional materials include:

- Revised references to "instructional materials and technology" throughout (HB 4170);
- Clarification of permitted expenditures using the instructional materials allotment (HB 396); and
- Removal of the annual June 1 deadline for a district to make an online requisition for instructional materials (SB 668).

CNA(LLEGAL) TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION

HB 3 affected several student transportation provisions, including:

- Modifying the transportation allotment to be based on a rate per mile per regular eligible student and revising the definition of "regular eligible student" to include a student who is homeless;
- Revising provisions on the cost of transporting CTE students from a campus to the work-based learning site; and
- Providing reimbursement on a per-mile basis for transporting a dual credit student to specific locations for a course not available at the student's campus.

CNC(LLEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

HB 771 clarifies the use of wireless communication devices on buses.

CPC(LLEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

Revisions to records management provisions are from HB 1962 and include:

- Clarification of the duties of the district and the records management officer;

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- Deletion of TSLAC's obligations to approve, disapprove, accept, or reject various district filings; and
- Revision of the standards for destruction of records.

CQ(LEGAL) TECHNOLOGY RESOURCES

Technology provisions have been split into discrete codes:

- CQ continues to address general technology issues;
- CQA continues to address websites;
- CQB is a new code addressing cybersecurity and federal provisions on access to electronic communications; and
- CQC is a new code addressing equipment.

CQ(LOCAL) TECHNOLOGY RESOURCES

Provisions on security breaches have been moved to CQB(LOCAL), where the corresponding legal authority is now coded.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee throughout.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

CQA(LEGAL) TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

HB 305 requires most districts to post online the district's contact information; trustee information; election date, location, and filing information; and meeting notices and minutes.

HB 963 requires online posting of the name, email address, and beginning and end dates of terms of office for each trustee.

Other new online posting requirements are for:

- Certain early voting (HB 1850) and bond election items (HBs 440 and 477);
- Efficiency audits before an election to approve a tax rate (HB 3);
- Tax rate and budget information (SB 2, effective January 1, 2020);
- Early childhood literacy and mathematics plans, including progress on goals (HB 3);
- Progress on goals set for college, career, and military readiness plans (HB 3);
- A summary of and access to the state *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* (SB 869);
- Contact information for campus behavior coordinators (SB 1306); and
- Certain information pertaining to public information requests (SB 944).

Districts no longer need to post reports on energy usage per SB 668.

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CQB(LEGAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

SB 820 includes new requirements on cybersecurity. A district must have a cybersecurity policy and the superintendent must designate a cybersecurity coordinator who will report breaches of system security involving student information to TEA and parents.

HB 3834 requires cybersecurity training for district employees who have access to a district computer system or database and for all board members.

Security breach notifications were affected by HB 4390, which changes the timelines for disclosures to individuals and the attorney general.

Federal provisions on access to electronic communications were moved to this code from CQ.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

This new policy is recommended to address SB 820, which requires a cybersecurity policy, and HB 3834, which requires cybersecurity training of employees and board members, as described above. The policy includes the following elements:

- An affirmative statement that the district will develop a cybersecurity plan;
- A requirement for the superintendent to designate a cybersecurity coordinator to serve as the liaison between the district and TEA and report any breaches to TEA as required by law; and
- Provisions on required employee and board member cybersecurity training and reporting.

Security breach provisions have been moved from CQ(LOCAL) and revised to address reporting requirements to TEA in accordance with SB 820.

Sample administrative procedures on cybersecurity are included in the *TASB Regulations Resource Manual*.

CQC(LEGAL)

TECHNOLOGY RESOURCES: EQUIPMENT

Provisions on technology equipment have been moved to this new code from CQ(LEGAL), and existing provisions on the Technology Lending Program Grant have been added.

CRG(LEGAL)

INSURANCE AND ANNUITIES MANAGEMENT: DEFERRED COMPENSATION AND ANNUITIES

The definition of "eligible qualified investment product" is revised by HB 2820. The change permits 403(b) products to be offered by a company that is eligible to offer the product under law. TRS no longer has oversight.

CV(LEGAL)

FACILITIES CONSTRUCTION

HB 985 prohibits a school district from considering whether a bidder on a public work contract has an agreement with a collective bargaining organization relating to the project.

New provisions have been added regarding use of proceeds from construction defect litigation (HB 1734) and construction liability claims (HB 1999).

Provisions on contract requirements that are included in CH have been deleted and replaced with a cross-reference to that code.

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D(LLEGAL) PERSONNEL

The D Section table of contents has been revised to add DHC, addressing reports to TEA of misconduct by noncertified employees.

DAA(LLEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

SB 37 prohibits a district that issues a license from taking disciplinary action against a person who has defaulted on a student loan.

Additional detail has been added regarding the existing state law prohibition on age discrimination.

DBAA(LLEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CRIMINAL HISTORY AND CREDIT REPORTS

HB 3 amended several provisions on criminal history. The bill:

- Clarifies that districts of innovation (DOI) are subject to Education Code provisions relating to criminal history records and may have their DOI status terminated for failing to provide requested information to TEA.
- Expands the criminal history for which a district must refuse to hire an applicant to include deferred adjudication community supervision for an offense requiring registration as a sex offender or conviction of a Title 5 felony if the victim was a minor.

DC(LLEGAL) EMPLOYMENT PRACTICES

Several bills affect this legally referenced policy on employment practices:

- HB 3 requires a district to refuse to hire a person listed on TEA's registry of persons who are not eligible to be employed in public schools and those under investigation.
- SB 2073 allows a district anticipating fewer than 180 days of instruction to reduce proportionally the minimum days of service for an educator to below 187 days. A reduction in days of service does not reduce salary.
- SB 1230 adds obtaining employment at a private school to the prohibition on assisting a person in obtaining employment if the person previously engaged in misconduct with a minor.

TEA has published a video explaining the HB 3 do-not-hire registry, available at https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3.

DEA(LLEGAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

A new provision has been added from HB 3 triggering compensation increases when the basic allotment increases from the prior year.

DEAA(LLEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

HB 3 adds a local optional teacher designation system under which the district may receive an allotment for teachers designated as master, exemplary, or recognized. Master teacher grant programs have been deleted in accordance with SB 1376.

New requirements for optional mentor teacher programs are from HB 3.

Please note: Districts that choose to provide incentives to teachers who complete autism training must adopt a policy in accordance with HB 3. Contact the district's policy consultant for appropriate language if your district decides to pursue this option.

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DEB(LEGAL)

COMPENSATION AND BENEFITS: FRINGE BENEFITS

HB 872 revises the information a district must provide to the Employees Retirement System when a peace officer is killed in the line of duty.

Note that SB 2, effective January 1, 2020, prohibits the board from decreasing the total compensation of a first responder, including a peace officer, employed by the district in the fiscal year beginning in 2020. This provision is not reflected in policy due to its temporary effect.

DEC(LEGAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

Some provisions on jury duty have been moved to DG(LEGAL).

DF(LEGAL)

TERMINATION OF EMPLOYMENT

HB 3 expands the criminal history for which a district must discharge an employee to include deferred adjudication community supervision for an offense requiring registration as a sex offender or conviction of a Title 5 felony if the victim was a minor.

HB 3 requires a district to discharge a person listed on TEA's registry of persons who are not eligible to be employed in public schools and those under investigation.

DFFA(LOCAL)

REDUCTION IN FORCE: FINANCIAL EXIGENCY

The recommended revision to this local policy on financial exigency was prompted by HB 3. The bill moved provisions from Education Code Chapter 42 to Chapter 48 and affected existing text on furloughs, which has been deleted, as the cross-reference provides sufficient guidance to the relevant legal authority.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee throughout.

DG(LEGAL)

EMPLOYEE RIGHTS AND PRIVILEGES

Several bills affect this legally referenced policy on employee rights and privileges:

- HB 621 amends the prohibition on employer retaliation against a professional for a good faith report of child abuse or neglect to include defined adverse employment actions.
- HB 4310 prohibits a district from penalizing a teacher who does not follow the scope and sequence for a required curriculum subject if the teacher determines that students need more or less time to demonstrate proficiency in the TEKS.
- SB 370 and HB 504 prohibit certain negative actions against an employee who serves as a juror or grand juror.

DH(LEGAL)

EMPLOYEE STANDARDS OF CONDUCT

In accordance with SB 944, a current or former district employee who maintains public information on a privately owned device must forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period.

HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a school parking area, provided the item is not in plain view.

DH(LOCAL)

EMPLOYEE STANDARDS OF CONDUCT

Because HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a school parking area, provided the item is not in plain view, language

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requiring firearms to be unloaded has been deleted. No other revisions have been made to this local policy.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

DHB(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

HB 3 clarifies that reports to SBEC of educator misconduct may be filed through the new SBEC internet portal.

SB 1476 creates an exception to a superintendent's obligation to report educator misconduct to SBEC if, before the educator's termination or resignation, the superintendent completes an investigation and determines the educator did not engage in the alleged misconduct specified in law.

DHC(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

As reflected in this new policy, HB 3 establishes a procedure for reporting noncertified employee misconduct to TEA that mirrors required reporting of certified employee misconduct to SBEC.

DMA(LLEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

New staff development is required in the areas of:

- Prevention techniques for and recognition of sex trafficking of children (HB 111);
- Implementation of trauma-informed care (SB 11);
- Test administration procedures (Administrative Code rules, effective April 23, 2019);
- Cybersecurity (HB 3834);
- Early literacy through attending teacher literacy academies (HB 3);
- Concussion training for school nurses on the concussion oversight team (HB 961); and
- Seizure recognition and related first aid for school nurses and certain other district employees (HB 684).

SB 1376 makes the UIL responsible for conducting extracurricular activity safety training.

DNA(LLEGAL) PERFORMANCE APPRAISAL: EVALUATION OF TEACHERS

Several bills affect this legally referenced policy on teacher evaluation:

- HB 3 clarifies that an appraisal must be done at least once *for* each school year rather than *during* each school year.
- SB 1451 provides that a district may not assign a teacher a deficiency solely on the basis of disciplinary referrals done for discretionary removal from the classroom.
- Details on the disclosure requirements for evaluations as revised by SB 1230 have been moved to GBA.

Other changes are to better match statute.

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DNB(LLEGAL)

PERFORMANCE APPRAISAL: EVALUATION OF CAMPUS ADMINISTRATORS

Details on the disclosure requirements for evaluations as revised by SB 1230 have been moved to GBA. Other changes are to better match statute.

DP(LLEGAL)

PERSONNEL POSITIONS

A principal is required by HB 3 to notify the superintendent within seven business days after the date of a noncertified employee's termination or resignation following allegations of certain conduct.

EA(LLEGAL)

INSTRUCTIONAL GOALS AND OBJECTIVES

Board-adopted early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans are required by HB 3.

EB(LLEGAL)

SCHOOL YEAR

If a district requires each educator to attend an approved school safety training course, SB 11 requires the commissioner to provide for a waiver, allowing for fewer required minutes of instruction.

EC(LLEGAL)

SCHOOL DAY

A funding provision for prekindergarten grant programs repealed by HB 3 has been deleted.

EEB(LLEGAL)

INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE

Based on HB 3, references to the High-Quality Prekindergarten Grant Program have been removed, as it is no longer a grant program.

EEM(LLEGAL)

INSTRUCTIONAL ARRANGEMENTS: JUVENILE RESIDENTIAL FACILITIES

Funding provisions for students the district serves in a juvenile residential facility have been revised by HB 3.

EF(LLEGAL)

INSTRUCTIONAL RESOURCES

A district must provide printed versions of relevant electronic instructional materials for a student who does not have reliable access to technology at home (HB 391). The district is not required to purchase print editions of these materials for this purpose.

EHAA(LLEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

Several bills affect this legally referenced policy on required instruction:

- SB 11 revises the health curriculum to include various mental health topics and requires the SBOE to adopt rules for districts to incorporate digital citizenship into their curriculum.
- When adopting a scope and sequence for a required curriculum subject, a district must ensure sufficient time is provided for teaching the TEKS (HB 4310).
- The duties of the School Health Advisory Committee (SHAC) were expanded by SB 435 and SB 11 to include the topics of suicide, opioid and other substance abuse, and other mental health items.

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- SB 1376 repeals the requirement for districts to distribute TEA information on steroids, but districts are still required to notify students of the prohibition on nonmedical use of steroids by posting information, as explained at FNCF.
- HB 1026 requires a district to adopt a character education program.

EHAB(LLEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ELEMENTARY)

Kindergarten through third grade reading program requirements have been added from HB 3. The bill requires the use of a phonics curriculum and integration of reading instruments to diagnose reading development and comprehension.

EHAC(LLEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

A district may allow concurrent enrollment in Algebra I and geometry (SB 1374).

EHBA(LLEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

SB 1376 repeals the Education Code provision that required a district that entered into a shared services arrangement to receive commissioner approval for the arrangement.

EHBAC(LLEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

SB 1376 repeals the Education Code provision that required a district that entered into a shared services arrangement to receive commissioner approval for the arrangement.

EHBAE(LLEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

Provisions on surrogate parents were revised by HB 1709.

EHBB(LLEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Changes from HB 3 require a district to adopt a policy regarding the use of funds to support the district's gifted and talented (GT) program. The bill also requires a district to certify each year to the commissioner that the district's GT program is consistent with the state GT plan and report to the commissioner on the use of funds for the district's GT program.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

This local policy on gifted and talented (GT) services has been updated based on HB 3 and the newly adopted *Texas State Plan for the Education of Gifted/Talented Students*, available at https://tea.texas.gov/academics/special_student_populations/gifted_and_talented_education/gifted_talented_education/.

HB 3 requires a district to adopt a policy regarding the use of funds to support the district's GT program. The bill also requires a district to annually certify to the commissioner that the district's GT program is consistent with the GT state plan and report to the commissioner on the use of funds for the district's GT program. Corresponding revisions to the local policy appear at Program Evaluation.

Other revisions to align with the state plan include:

- Deletion throughout of the references to nominating students for the GT program;
- Broader language regarding the selection committee, as there is no requirement to specify in policy whether the committee is established at the district or campus level;

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- More flexible language regarding reassessments and transfer students;
- New text to incorporate the requirement to consult with parents about a student exiting the program; and
- New text to incorporate the ability of an educator to appeal final decisions of the selection committee.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

EHBC(LLEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

There were numerous legislative changes to the provisions on compensatory education.

Districts are required by HB 3 to provide TEA each student's residential census block, which will be factored into the compensatory education allotment. Calculation details for the allotment have been removed.

Dropout prevention plans are due by December 1 of each year per HB 3.

The definition of a student who is at-risk of dropping out of school has been revised to address students who:

- Have been incarcerated or who have a parent or guardian who has been incarcerated within the student's lifetime (SB 1746); and
- Participate in an adult high school diploma and industry certification charter school program (HB 1051).

TEA has published a video explaining the HB 3 compensatory education changes, available at https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3.

EHBF(LLEGAL) SPECIAL PROGRAMS: CAREER AND TECHNICAL EDUCATION

Provisions on reimbursements to districts for certification examinations taken by students in career and technology have been added based on HB 3.

TEA has published a video explaining the HB 3 changes on exam reimbursements, available at https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3.

EHBG(LLEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

SB 1679 provides that an eligible three-year-old prekindergarten student remains eligible for enrollment in the following year.

Other changes to prekindergarten programs are from HB 3. Among other changes, if a district operates a prekindergarten program for eligible children who are at least four years of age, the district must provide full-day prekindergarten that meets high-quality prekindergarten program standards (absent an exemption). For children under four years of age, a district still has the option to operate prekindergarten on a half-day basis or offer full-day prekindergarten with local funding or on a tuition basis. In addition, a program for children who are at least four years of age must comply with the High Quality Prekindergarten Program standards.

TEA has published a video explaining the HB 3 prekindergarten changes, available at https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3.

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EHBK(LLEGAL)

SPECIAL PROGRAMS: OTHER INSTRUCTIONAL INITIATIVES

Two mandatory recognition events have been added: Texas Girls in STEM Day is on March 1 (HB 3435), and Holocaust Remembrance Week will be on a date designated by the governor (SB 1828).

Provisions on character education are now mandatory, not optional, and have been moved to EHAA (HB 1026).

EHDD(LLEGAL)

ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

The requirements for dual credit program agreements with institutions of higher education were modified by HB 3650 and SB 1276.

EIC(LLEGAL)

ACADEMIC ACHIEVEMENT: CLASS RANKING

HB 539 addresses the issue that districts with very small graduating classes do not create a top ten percent for purposes of the automatic college admissions law. This bill requires Texas public universities to admit valedictorians who meet the requirements in law.

EIF(LLEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

SB 213 extends expiration dates from September 1, 2019, to September 1, 2023, for provisions on individual graduation committees and provisions authorizing districts to award a high school diploma to eligible students who entered grade 9 before the 2011–12 school year and have not performed satisfactorily on the relevant exit-level test.

On request of the parent, districts must issue a high school diploma posthumously to each student who dies while enrolled in the district in accordance with HB 638. The diploma may not be issued before the school year in which the student was expected to graduate.

SB 232 requires districts to inform parents of a high school student that the student is not required to complete Algebra II to graduate, but that not completing the course may have negative consequences for automatic college admission and for certain financial aid. The notice must be by regular mail or email.

HB 678 allows a student to satisfy one of the two required credits in languages other than English by successfully completing an elementary school course in American Sign Language.

Provisions on endorsements for students in special education were revised by HB 165.

EK(LLEGAL)

TESTING PROGRAMS

HB 3 amends the tests that high school students may take in grade 11 or 12 at state cost to include the Texas Success Initiative.

Revised Administrative Code rules effective July 22, 2019, clarify current law limiting administration of locally required assessments designed to prepare students for state assessments. The revised rule explains what constitutes an assessment instrument designed to prepare students for state-administered assessment instruments.

EKB(LLEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

HB 3906 prompted changes regarding the use of technology in state assessments for mathematics and administration of assessments in kindergarten and prekindergarten.

Administrative Code rules amended effective April 23, 2019, significantly revised the provisions on test security and confidentiality.

Other revisions are to better reflect statute.

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EL(LLEGAL) CAMPUS OR PROGRAM CHARTERS

HB 3 provides that a charter campus or program must comply with the listed Education Code provisions regarding the duty to discharge or refuse to hire certain employees or applicants.

F(LLEGAL) STUDENTS

A new policy, FFBA on trauma-informed care, has been added to the F section table of contents.

FB(LLEGAL) EQUAL EDUCATIONAL OPPORTUNITY

This legally referenced policy on equal educational opportunity has been updated to include a provision from SB 1978 that prohibits a district from taking any adverse action against a person based on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. Other changes are to better match statutory wording.

FD(LLEGAL) ADMISSIONS

Several bills affected student admissions:

- SB 668 clarifies the definition of students who are homeless.
- A new provision from HB 2526 provides that a person is eligible for admission if the person and either parent reside in a residence homestead on property any part of which is located in the district.
- HB 1597 adds proof of eligibility provisions for a person whose parent is in the armed services and the parent provides a military order for a transfer to a military installation in or adjacent to the district's attendance zone. Proof of residency in the district's attendance zone must then be provided within ten days of the arrival date in the military order.
- Provisions on the foundation school program were affected by HBs 3 and 1051.

FDC(LLEGAL) ADMISSIONS: HOMELESS STUDENTS

Throughout, terminology has been changed from "homeless students" to "students who are homeless" in accordance with SB 668.

FDE(LOCAL) ADMISSIONS: SCHOOL SAFETY TRANSFERS

Recommended changes to this local policy on school safety transfers are based on revisions to the TEA *Unsafe School Choice Option (USCO) Guidance Handbook* (available at https://tea.texas.gov/Finance_and_Grants/Grants/Applying_for_a_Grant/Unsafe_School_Choice_Option), which amended the list of violent criminal offenses for which a student is eligible for a transfer to another school within the district. See also the August 22, 2019, To the Administrator Addressed letter on ESSA Unsafe School Choice Option LEA Requirements, available at <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/essa-unsafe-school-choice-option-lea>.

FEB(LLEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

HB 3 allows, rather than requires as under existing law, the commissioner to adjust ADA of a district located in an area declared a disaster by the governor if the district experiences a decline in ADA that is reasonably attributable to the disaster.

FED(LLEGAL) ATTENDANCE: ATTENDANCE ENFORCEMENT

Provisions on funding of the position of juvenile case manager have been updated based on SB 346. Other changes add existing statutory text.

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FFAA(LOCAL)

WELLNESS AND HEALTH SERVICES: PHYSICAL EXAMINATIONS

Recommended revisions to this local policy on physical examinations are to address a new UIL rule requiring students who are participating in marching band to receive a pre-participation physical in accordance with the schedule established by the UIL. The policy revisions broaden current language to accommodate future changes to UIL rules and also allow the superintendent to designate other extracurricular programs for which the district will require physicals.

Further information on the new UIL rule is available at https://www.uiltexas.org/files/music/Marching_Band_Physical_Exam_FAQ.pdf.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

FFAC(LEGAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Several legislative changes have been incorporated, including:

- A prohibition on a district regulating the sale, distribution or possession of dextromethorphan (certain cold medicine) (HB 1518);
- Deletion of the requirement for a district to notify the commissioner following administration of an unassigned epinephrine auto-injector (SB 668); and
- New provisions permitting a district to adopt and implement a policy authorizing a school nurse to maintain and administer unassigned asthma medication (HB 2243). **Please note:** Contact the district's policy consultant for appropriate policy text if the district wishes to pursue this option. Sample administrative provisions are available in the *TASB Regulations Resource Manual*.

Also added is an existing statutory provision prohibiting a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by the Texas Compassionate Use Act in the Health and Safety Code.

FFAD(LEGAL)

WELLNESS AND HEALTH SERVICES: COMMUNICABLE DISEASES

The Department of State Health Services rather than TEA must now prescribe the procedures for districts to use when distributing information on bacterial meningitis (HB 3884).

FFAF(LEGAL)

WELLNESS AND HEALTH SERVICES: CARE PLANS

SB 869 requires a district's policy on food allergies to be consistent with the Texas Department of State Health Services' *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis*. The bill requires the board to post a summary of the *Guidelines* on the district's website and include information on how to obtain the full document. Likewise, forms addressing food allergies must include information about the *Guidelines*. Relevant materials in the *TASB Regulations Resource Manual* have been updated.

Provisions on seizure management and treatment plans are from HB 684 and allow a parent to submit a seizure management plan to the district to address health-care services the student may receive at school or school activities.

FFB(LEGAL)

STUDENT WELFARE: CRISIS INTERVENTION

SB 11 includes provisions on the threat assessment and safe and supportive school team that districts must establish to serve each campus and the process the teams will use in evaluating individuals and students who make threats of violence or exhibit harmful, threatening, or violent behavior. The teams must receive training and report specific information to TEA. The board must adopt a policy addressing specific elements.

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SB 11 also permits districts to provide parents relevant information on various mental health topics.

FFB(LOCAL) STUDENT WELFARE: CRISIS INTERVENTION

This new local policy is recommended to address SB 11, which requires boards to adopt policy and procedures regarding threat assessment and safe and supportive teams. The district's policies and procedures must be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC). TASB collaborated with the TxSSC to develop this policy, which addresses the following elements:

- Delegation to the superintendent to ensure that a team is established to serve each campus;
- Appointment of team members by the superintendent, as required by law;
- Training requirements for the team;
- Authorization for any member of the team or a district employee to act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly;
- Development of procedures as recommended by the TxSSC;
- A high-level outline of the threat assessment process, including specific actions required by the team in various circumstances;
- Mental health referrals by the team;
- The requirement for the team to provide guidance to students and district employees on recognizing and reporting behavior of concern; and
- Required reports to TEA.

The TxSSC advises that district procedures need to be individualized to fit each district's unique circumstances. To assist in developing procedures, the TxSSC website has numerous resources, including a *Behavioral Threat Assessment and Management for Educators and Administrators Toolkit* at <https://txssc.txstate.edu/tools/tam-toolkit/>.

FFBA(LEGAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE

SB 11 requires boards to adopt and implement a policy on the implementation of trauma-informed care practices in each school environment. The policy must also address:

- Increasing staff and parent awareness of trauma-informed care, including required training for educators;
- Implementation of trauma-informed practices and care by district and campus staff; and
- Available counseling options for students affected by trauma or grief.

Districts must report to TEA on compliance with the training provisions.

FFBA(LOCAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE

This new policy is recommended to address SB 11, which requires a policy on trauma-informed care. The details of the district's trauma-informed care program must be included in the district improvement plan.

The policy makes reference to the elements required to be addressed in the district's program:

- Increasing staff and parent awareness of trauma-informed care, including required training for educators; and
- Available counseling options for students affected by trauma or grief.

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The policy also affirms that the district shall report to TEA on compliance with the training provisions.

Please note: If, based on a district of innovation plan, your district is exempt from the statutory requirement to have a district improvement plan, the district should include its trauma-informed care program in an equivalent district-level planning document.

FFE(LEGAL) STUDENT WELFARE: STUDENT ASSISTANCE PROGRAMS/COUNSELING

This legally referenced policy on student assistance programs has been updated to include existing legal provisions on consent for services provided by a licensed specialist in school psychology.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The district improvement plan and any informational handbook provided to students and parents must include the district's policy on addressing sexual abuse, sex trafficking, and other maltreatment of children (HB 111). Please note that the post-legislative supplement to the *TASB Model Student Handbook* includes provisions and resources to address these topics. The district should include any other details in the district improvement plan and communicate the district's practices and procedures to employees, parents, and students.

HB 621 prohibits a district from taking any adverse employment action against a professional who makes a good faith report of abuse or neglect.

FL(LOCAL) STUDENT RECORDS

To assist with implementing the district's safe and supportive school program as required by SB 11, a recommended revision at Access by School Officials clarifies that a person appointed to a team that supports the safe and supportive school program is considered a "school official" who may access student records if the person has a legitimate educational interest in the records.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

FM(LEGAL) STUDENT ACTIVITIES

Legislation affected several provisions on student activities:

- Certain safety training will be provided by the UIL rather than districts (SB 1376).
- A school nurse may be a member of the district's concussion oversight team and is authorized to remove an affected student from practices or competition (HB 961).
- A district must provide information about sudden cardiac arrest and electrocardiogram testing to a student who is required by UIL to submit a physical examination certification (HB 76).

Administrative Code rules amended effective May 1, 2019, permit a district to allow a student who is ineligible to participate in an extracurricular activity and who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation to perform with the ensemble during the UIL evaluation performance only.

FNCC(LEGAL) STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING

SB 38 amends the Education Code definition of hazing.

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FNCE(LLEGAL)

STUDENT CONDUCT: PERSONAL TELECOMMUNICATIONS/ELECTRONIC DEVICES

A district must allow a student to use a graphing calculator application on an electronic device when the student is enrolled in a course that requires the use of a graphing calculator, unless the district provides students the use of one at no cost (HB 3906).

FNCG(LLEGAL)

STUDENT CONDUCT: WEAPONS

Provisions on clubs and knuckles were revised based on HB 446, which removes clubs from the Penal Code offense regarding unlawfully carrying a weapon outside of one's premises or vehicle. The bill also removes knuckles from the list of prohibited weapons in Penal Code 46.05.

FNG(LLEGAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Unless limited by a court order, a parent appointed as a conservator of a child always has the right to attend school activities, including school lunches, performances, and field trips (HB 3145).

FO(LLEGAL)

STUDENT DISCIPLINE

Several general discipline provisions were affected by legislation:

- A student's status as homeless or in the conservatorship of DFPS was added to the list of mitigating factors the district must consider in making certain disciplinary decisions (HB 811).
- The law enforcement duties of various security personnel must be included in the Student Code of Conduct (SB 1707).
- District websites must include contact information for the campus behavior coordinator or other relevant administrator (SB 1306).
- Districts must provide foundation curriculum coursework to students assigned to in-school or out-of-school suspension using one option that does not require the use of the internet (HB 3012).
- Aversive techniques listed in the policy that are intended to reduce the likelihood of a behavior recurring by intentionally inflicting significant physical or emotional discomfort or pain may not be used with students (HB 3630 and SB 712).
- A district may not discipline a teacher on the basis of documentation the teacher submitted regarding a student's violation of the student code of conduct (SB 1451).
- Information regarding out-of-school suspensions must be reported to TEA (HB 65).

FOA(LLEGAL)

STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER

SB 1451 clarifies that students sent to the campus behavior coordinator's or other administrator's office under a routine referral or a discretionary removal are not considered to have been removed from the classroom for purposes of reporting data through PEIMS or other similar reports required by state or federal law.

FOB(LLEGAL)

STUDENT DISCIPLINE: OUT-OF-SCHOOL SUSPENSION

A district may not place in out-of-school suspension a student who is homeless unless the student engages in certain conduct (HB 692).

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

DAEP placement is required if a student engages in certain forms of harassment against an employee (SB 2432).

In determining whether there is a reasonable belief that a student engaged in felony conduct, a superintendent may not consider additional information requested by the district from law enforcement for the purpose of creating a threat assessment or safety plan (HB 2135).

For clarity, additional details from statute have been added regarding terms of removal.

FOCA(LLEGAL) PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

HB 2184 creates mandatory procedures and notice requirements for a student's transition to the regular classroom from an alternative education program, as defined by the bill.

Documents in the *TASB Regulations Resource Manual* have been updated to address HB 2184.

FOD(LLEGAL) STUDENT DISCIPLINE: EXPULSION

An existing statutory provision addressing appeals of expulsion decisions has been added.

FODA(LLEGAL) EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

HB 3012 permits court-ordered placement in a JJAEP for terroristic threats.

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

A provision has been added from SB 1978 that prohibits a district from taking any adverse action (as defined in the policy) against a person based on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

GB(LLEGAL) PUBLIC INFORMATION PROGRAM

In accordance with SB 944, a current or former district officer or employee who maintains public information on a privately owned device must forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period. An employee may be disciplined for failure to comply.

GBA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

Provisions on public information have been revised, including those addressing release of:

- Certain contracting information (SB 943);
- Evaluations (SB 1230);
- Information regarding the location or physical layout of certain shelter centers (HB 3091);
- Protected health information and out-of-state health-care provider information (SB 944);
- Information on applicants for disaster recovery funds (HB 3175);
- Information that would provide an advantage to competitors or bidders (SB 943);

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- Expenditures for parades, concerts, or other entertainment events (HB 81); and
- Certain commercial, financial, and proprietary information (SB 943).

GBAA(LLEGAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION

Legislation affected multiple provisions on requests for information, including:

- Duties of the officer for public information (SB 944);
- Methods for requesting information (SB 944);
- Requests for contracting information not maintained by the district (SB 943);
- Requests for an attorney general decision (SBs 943 and 944); and
- Temporary suspension of the Public Information Act by the board of a district currently impacted by a catastrophe (SB 494).

Other revisions are to better reflect statutory wording.

GBAA(LOCAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION

As mentioned above, SB 494 permits the board of a district impacted by a catastrophe to temporarily suspend the Public Information Act. Recommended local policy text delegates to the superintendent the authority to approve the initial suspension period of up to seven consecutive days and provide the required notices to the attorney general and public. If an extension of the initial suspension period is needed, the law requires the board to determine that it is still impacted by the catastrophe, so the local policy text requires the board to approve an extension.

The form to provide notice of any suspensions to the attorney general is available at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice>.

GKA(LLEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

HB 1552 clarifies who is a retired law enforcement officer for Penal Code 46.03, which prohibits weapons in certain places.

Districts may no longer regulate the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view (HB 1143).

HB 1791 broadens existing provisions that limit a district from providing unauthorized notice that handguns are prohibited.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Because HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view, we have deleted language requiring firearms to be unloaded. No other revisions have been made to this local policy.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

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GNB(LLEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: REGIONAL EDUCATION SERVICE CENTERS

HB 3 revises the core services that education service centers are required to provide to include training and assistance regarding instruction in personal financial literacy, gifted and talented programs, and programs that qualify for a funding allotment.

GRAA(LLEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Information about arrests of students provided to districts from law enforcement agencies must include sufficient information for the district to determine whether it is necessary to conduct a threat assessment or prepare a safety plan for the student (SB 2135). In addition, a superintendent may request information for the purpose of conducting a threat assessment or preparing a safety plan.

GRAA(EXHIBIT) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

This exhibit has been deleted, as the list of offenses principals must report to local law enforcement authorities is included in GRAA(LLEGAL).

GRB(LLEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

When a district provides educational services to a student who resides in a state hospital, HB 2210 specifies the elements of the memorandum of understanding between the hospital and district.

GRC(LLEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: EMERGENCY MANAGEMENT

Provisions on emergency management training have been deleted as they are not applicable to school districts.