

Vantage Points

A Board Member's Guide to Update 112

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the brief descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet. **Your district may not have all policy provisions addressed in this update's *Vantage Points*.**

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

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Update 112 focuses on updating (LEGAL) policies that were affected by changes in administrative rule and commissioner of education rulings. Several (LOCAL) policies have been updated as well to better align with these changes or for organization and restructuring purposes.

Board Ethics

Two legal policies have been revised regarding board member ethics—BBFA(LEGAL) and BBFB(LEGAL). Revisions to BBFA(LEGAL) reflect amended Administrative Code rules addressing financial accountability ratings. Formatting changes were made to BBFB(LEGAL) for accessibility purposes, and existing statutory provisions have been added. Additionally, provisions addressing conflicts of interest for depository contracts were removed, as they are addressed in BDAE(LEGAL).

Superintendent

Minor formatting changes were made to BJA(LOCAL) to improve accessibility for individuals with disabilities, and changes to BJCD(LEGAL) were made to include an existing provision in statute that requires the board to adopt a policy stating that the board employs and evaluates the superintendent.

Business Operations

Extensive revisions were made to several policies in the C section of the manual, which required revisions to the table of contents to add two new codes—CCGA and CCGB—and to rename policies in the CO series.

State and Federal Revenue

Revisions to CBB(LEGAL) were based on changes to federal law increasing certain thresholds under the Education Department General Administrative Regulations (EDGAR) procurement rules and to include links to resources that provide additional information on the issue.

Ad Valorem Taxes

Significant restructuring of CCG(LEGAL) breaks up the content on ad valorem taxes into multiple policy codes, leading to two new policies: CCGA, Exemptions and Payments, and CCGB, Economic Development. CCG(LEGAL) now focuses on adoption of the tax rate and conducting an election to ratify taxes.

CCG SERIES (LOCAL) POLICY CONSIDERATIONS

The district's local policy provisions on exemptions and payments of ad valorem taxes have been moved from CCG to CCGA, and districts with provisions on economic development now have that language coded at CCGB.

Financial Accountability

Revisions to CFA(LEGAL) were made to reflect amended Administrative Code rules that revised the notice provisions for the public hearing on the Financial Management Report.

Additionally, the amended rules allow for the commissioner to change a financial accountability rating in disaster situations, which is reflected in CFC(LEGAL).

Purchasing and Construction

References to COA(LEGAL) have been added to CH(LEGAL) to align with newly added material on food purchases, and the board delegation provision applicable in disaster circumstances has been updated.

CH(LOCAL) AND CV(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to CH(LOCAL) and CV(LOCAL) add a cross-reference to CBB(LEGAL), which addresses procurement requirements for federal awards, as a reminder that other requirements may be applicable if federal funds are involved in a purchase or contract.

We also recommend an adjustment in CH(LOCAL) to acknowledge that any rejection of bids or proposals will be in accordance with state or federal law, as some purchases with federal funds may require a sound, documented reason for rejecting a bid.

Student Transportation

New Administrative Code rules have been added to CNA(LEGAL). The rules include definitions, eligibility and local policy requirements, and reporting requirements for districts seeking additional funds for transportation of students living within two miles of school. Please note that if your district will seek transportation funds for these students or if your district has a community walking transportation program but does not have policy provisions at CNA(LOCAL), then the district should contact its TASB policy consultant for adjustments to the policy.

Food and Nutrition Management

Existing federal and state provisions have been added to the CO(LEGAL) series to provide more thorough coverage of school nutrition compliance and professional standards, fundraiser standards, unpaid meal policy requirements, food procurement, and the Community Eligibility Provision program.

Technology Resources

CQ(LOCAL) POLICY CONSIDERATIONS

Districts may accept electronic signatures in accordance with state law; however, the rules adopted by the board for allowing such signatures must be consistent, to the extent practicable, with rules from the Department of Information Resources. In order to be in compliance with these rules and to align with most districts' practice of accepting electronic signatures, new language on electronic signatures has been recommended for CQ(LOCAL).

Personnel

Details on the bloodborne pathogen exposure control plan from the Texas Department of State Health Services has been added to DBB(LEGAL).

DP(LEGAL) has been revised in accordance with new rules from the State Board for Educator Certification regarding principal certification.

Term Contracts

Included in DCB(LEGAL) are provisions from a commissioner of education decision explaining that if a district requires a person—by policy, job description, or contract—to hold certification, the district must employ that person under a Chapter 21 contract.

DCB(LOCAL) POLICY CONSIDERATIONS

Reorganization of this local policy on term contracts is recommended to better distinguish the provisions applicable when SBEC requires certification versus when the district requires certification. An adjustment clarifies that only full-time professional employees in positions for which the district requires SBEC certification are entitled to a term contract.

Employee Standards of Conduct

Amended Administrative Code rules have been included in DFE(LEGAL) to clarify that a principal is subject to sanctions for failing to notify the superintendent within seven days after an educator resigns following an alleged incident of misconduct.

DIA(LOCAL) AND DH(LOCAL) POLICY CONSIDERATIONS

We recommend moving to DH(LOCAL) a provision previously at DIA(LOCAL) subjecting employees to discipline for making false claims of discrimination, harassment, and retaliation or refusing to participate in an investigation. Placement of this provision in DH(LOCAL), which addresses the broader topic of employee standards of conduct, clarifies that the district may discipline employees for such conduct in any circumstance, not just in relation to claims of discrimination, harassment, and retaliation.

Additional revisions to DIA(LOCAL) add the word “sex” to the statement of nondiscrimination and to the definition of discrimination for a complete listing of all the protected categories under law and for consistency throughout the policy manual.

**Alcohol and
Drug Testing**

Added provisions at DHE(LEGAL) clarify that Department of Transportation (DOT) alcohol and drug testing must be completely separate from non-DOT testing.

Instruction

New Administrative Code rules addressing the required instruction on proper interaction with a peace officer have been added to EHAC(LEGAL).

The policy on elective instruction, EHAD(LEGAL), has been updated to include provisions permitting districts to offer courses in cybersecurity and other elective classes a student would need to obtain an industry-recognized credential or certificate.

Amended Administrative Code rules resulted in revisions to dyslexia provisions in EHB(LEGAL), including those regarding screening, parental notification, parent education programs, and access to appropriate programs.

Provisions in EHBC(LEGAL) regarding the Optional Extended Year Program have been deleted, as the program has not been funded for several years, and additional details have been added regarding the Optional Flexible School Day Program.

Extensive revisions to EHBE(LEGAL) on bilingual education are from amended Administrative Code rules that were revised to align with TEA practice and the Every Student Succeeds Act (ESSA) State Plan.

**Credit By
Examination**

The State Board of Education changed the rules regarding credit by examination without prior instruction to include audit and annual reporting requirements. Language has been revised in EHDC(LEGAL) to reflect these recent changes.

**Academic
Achievement**

Amended rules required changes to EI(LEGAL) regarding notations on a student's transcript. Changes to EIF(LEGAL) were made in accordance with amended Administrative Code rules that permit a student to satisfy one of the two credits required in a language other than English by completing a dual language immersion program.

**Students
Health**

There were several revisions made to the policy on medical treatment for students, FFAC(LEGAL). The revisions cover existing statutory provisions and provisions from new Administrative Code rules regarding the maintenance and administration of unassigned epinephrine auto-injectors.

School-Sponsored Publications

FMA(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to FMA(LOCAL) clarify that district and campus publications are under the district’s control and school-sponsored publications approved by a principal and published by students are part of the instructional program. We also recommend adding a Note pointing to GKB for relevant advertising provisions and deleting the unnecessary complaint provision.

Juvenile Justice Alternative Education Program

Newly adopted Administrative Code provisions regarding juvenile justice alternative education programs (JJAEPs) incorporated in FODA(LEGAL) include requirements for a JJAEP to develop entry and exit transition plans for a student, file the annual memorandum of understanding with the district and county juvenile board by a certain date, and provide a copy of the JJAEP’s performance report to the district superintendent.

Community Relations

Conduct on District-Controlled Property

Revisions to GKA(LEGAL) stem from a commissioner of education rule addressing Education Code 37.105, which authorizes district officials to refuse entry to or eject a person from property under the district’s control in certain circumstances. The new rule also requires the board to adopt a policy that allows a person refused entry to or ejected from the property to appeal using the district’s current grievance process and permits a person appealing to address the board in person within 90 days of filing the complaint unless the complaint is resolved before reaching the board. Another revision to GKA(LEGAL) adds the separate trespass provision from the Education Code to distinguish the district’s authority to pursue trespass charges from the Education Code 37.105 provisions.

FNG(LOCAL), GF(LOCAL), GKA(LOCAL) POLICY CONSIDERATIONS

The new rule at GKA(LEGAL) also affects FNG, GF, and GKA(LOCAL). Revisions to GKA(LOCAL) clarify that a district official will give a person refused entry to or ejected from property under the district’s control written information explaining the right to appeal and explain the relevant complaint timeline. A paragraph addressing the 90-day timeline to address the board has been added to FNG(LOCAL) and GF(LOCAL).

District Speech

A recent U.S. Supreme Court case clarifies that the district’s statements and actions that take the form of speech do not create a forum for private speech and a district does not engage in unconstitutional viewpoint discrimination by sharing its viewpoints on permissible goals. These revisions have been added to GKB(LEGAL).

Advertising

GKB(LOCAL) POLICY CONSIDERATIONS

In line with current case law, recommended revisions to the advertising provisions in GKB(LOCAL) specify when a district may reject advertising. New provisions are also recommended to clarify that a district's acknowledgment of sponsorships and donations may be in the manner the district deems appropriate and that the district retains full editorial control.

**CPS
Investigations**

Finally, GRA(LEGAL) has been updated to add details on Department of Family and Protective Services investigations regarding allegations of child abuse or neglect in schools.