

AGENDA ITEM
BOARD OF TRUSTEES
AGENDA

<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special
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- (A) Report Only Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation.

- (B) Action Item

GILBERTO GONZALEZ, SUPERINTENDENT

Presenter(s): JESUS ARTURO COSTILLA, EXEC. DIRECTOR OF HUMAN RESOURCES

Briefly describe the action required.

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE POLICY UPDATE 108 AS RECEIVED FROM THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB).

- (C) Funding source: Identify the source of funds if any are required.

- (D) Clarification: Explain any questions or issues that might be raised regarding this item.



Localized Policy Manual Update 108

Eagle Pass ISD

Remember: You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more on my.tasb.org under *Policy Service Resource Library: Local Manual Updates*.

Need help? Please call your policy consultant at 800-580-7529 or e-mail Policy.Service@TASB.org.

Overview

Update 108 contains recommended changes to local policies on topics including:

- Instructional resources and materials;
- Credit by examination with prior instruction;
- Graduation;
- Campus charters; and
- Community relations (advertising and fundraising).

Revisions to legal policies incorporate various administrative rules and include some updating and recoding of provisions in anticipation of changes from the 85th Legislative Session, which will be included in Update 109, scheduled for early fall.

Your Localized Update 108 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- **Vantage Points—A Board Member's Guide to Update 108**, which provides local officials a highly summarized first glance at the update. Please distribute the enclosed copies of *Vantage Points* to your board members with the review copies of the update.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

Explanatory Notes

TASB Localized Policy Manual Update 108

District: Eagle Pass ISD

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

This legally referenced policy on accreditation and performance standards has been reorganized and updated to include provisions from House Bill 2804 (84th Legislative Session) that are effective with the 2017–18 school year. These changes include additional material on the A–F PERFORMANCE RATINGS, PERFORMANCE INDICATORS, and the FIVE DOMAINS for student achievement, as well as deletion of provisions on student achievement indicators. Other changes are to delete material on dropout recovery programs, which is addressed at other policy codes, and to better match statutory wording.

AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

This legally referenced policy on performance reporting has been revised to include statutory provisions that are effective with the 2017–18 school year.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

Revisions to this legally referenced policy on accountability investigations and sanctions are based on amended commissioner's rules effective November 17, 2016. The rules add to the duties for a CAMPUS INTERVENTION TEAM and address stakeholder notification and review requirements and district submission and implementation of a CAMPUS TURNAROUND PLAN.

BBB (EXHIBIT) BOARD MEMBERS
ELECTIONS

This exhibit containing the officer's statement and the oath of office from the Texas Constitution is recommended for deletion from the district's policy manual, as this material is now readily available on the Texas Secretary of State website and in the TASB Legal Services eSource document *After the School Board Election: Frequently Asked Questions Regarding Post-Election Procedures*, available at https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/after_bd_election.pdf.

BBG (LEGAL) BOARD MEMBERS
COMPENSATION AND EXPENSES

This legally referenced policy on board member expenses has been updated to reference a new Administrative Code rule effective January 24, 2017, which duplicates the previous rule in allowing board members to participate in the comptroller's contract for travel services, and to better match statutory wording.

BED (LEGAL) BOARD MEETINGS
PUBLIC PARTICIPATION

This legally referenced policy on public participation has been revised to delete a note referencing other related policies as well as a provision about complaints that is duplicated in the complaint policies. Citations have also been updated.

Explanatory Notes

TASB Localized Policy Manual Update 108

BJCF (LEGAL) SUPERINTENDENT
NONRENEWAL

This legally referenced policy on superintendent nonrenewal has been revised to better match statutory wording.

BQ (LEGAL) PLANNING AND DECISION-MAKING PROCESS

Changes have been made throughout this legally referenced policy on the planning and decision-making process to better match statutory wording.

BQA (LEGAL) PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

This legally referenced policy on district-level planning and decision-making has been revised to add an existing provision on STAFF DEVELOPMENT, to better match statutory wording, and to update citations.

BQB (LEGAL) PLANNING AND DECISION-MAKING PROCESS
CAMPUS-LEVEL

This legally referenced policy on campus-level planning and decision-making has been revised to add an existing provision on STAFF DEVELOPMENT, to better match statutory wording, and to update citations.

CH (LEGAL) PURCHASING AND ACQUISITION

New Ethics Commission rules effective January 1, 2017, have been added at CONTRACT CHANGES on page 4 and explain the circumstances under which contract disclosure requirements apply to changes to an existing contract. Other revisions are to add an existing Administrative Code provision about submission of the REQUIRED FORM used for contract disclosures (see page 3) and to reorder provisions for better flow.

CJA (LEGAL) CONTRACTED SERVICES
CRIMINAL HISTORY

This legally referenced policy on criminal history checks for contracted services and decision-making has been reorganized for better flow and revised to better match statutory wording.

COB (LEGAL) FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

Details from the Administrative Code have been added regarding submission of REQUIRED DOCUMENTATION on summer nutrition programs to the Texas Department of Agriculture by April 1 of each year. Other changes are to better match statutory wording.

Explanatory Notes

TASB Localized Policy Manual Update 108

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

The listing of REQUIRED INTERNET POSTINGS has been revised to include:

- Posting of the innovation plan for a district seeking designation as a district of innovation (item 1);
- Posting of the three programs or categories that will be used to evaluate district and campus performance in community and student engagement (items 3 and 4); and
- Posting of an opportunity to review a campus turnaround plan (item 10).

The listing of OPTIONAL INTERNET POSTINGS has been revised to include posting of a public meeting for input on a targeted improvement plan (item 1 on page 4).

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

Provisions on EMERGENCY PERMITS have been moved from policy DK to this policy code. Extensive revisions to the material are based on Administrative Code changes effective December 27, 2016. The rules reflect that emergency permits are intended as a temporary credential to be used for true emergencies. Effective with the 2017–18 school year, emergency permits will be limited to one year of issuance, with limited exceptions for JROTC instructors and for teachers of students with visual impairments.

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

New rules from the Administrative Code, effective November 6, 2016, have been added to this legally referenced policy on criminal history. Changes in the FBI subscription service required the Texas Department of Public Safety to issue rules that clarify the process for obtaining criminal history record information through the Clearinghouse. See PARTICIPATION IN THE CRIMINAL HISTORY CLEARINGHOUSE, beginning on page 1. Citations have been updated throughout.

**DFF (LEGAL) TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE**

This legally referenced policy on reduction in force has been revised to add existing statutory provisions on reduction of personnel for CONTINUING CONTRACTS, including district notification to the affected teacher and teacher notification to the board if the teacher wishes to protest the proposed reduction of personnel.

**DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION**

Amended State Board for Educator Certification (SBEC) rules, effective December 27, 2016, have been incorporated into this policy. The amendments align the rules on superintendent reports to SBEC with changes to the Education Code made in the 84th Legislative Session (2015) and clarify that reporting is required if there is evidence that an educator solicited or engaged in sexual conduct or a romantic relationship with a student or minor. See REPORTABLE MISCONDUCT.

Explanatory Notes

TASB Localized Policy Manual Update 108

The rules also address PERMISSIVE REPORTS when a superintendent believes in good faith that educator misconduct may be subject to disciplinary proceedings or sanctions.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

Provisions on emergency permits were moved to DBA. Other changes are to provide appropriate references to information on credentials and permits at CREDENTIALS OR PERMIT REQUIRED.

DK (EXHIBIT) ASSIGNMENT AND SCHEDULES

This exhibit has been reformatted and updated to better match wording from the applicable state rules.

E (LEGAL) INSTRUCTION

The E Section table of contents has been updated to:

- Delete EFAA, Instructional Materials Selection and Adoption (provisions relocated to EFA, Instructional Materials);
- Delete EFF, Instructional Television
- Delete EG, Curriculum Development (provisions relocated to EH, Curriculum Design);
- Delete EGA, Innovative and Magnet Programs (provisions relocated to EHB, a new code subtitled Innovative and Magnet Programs);
- Add EHB, subtitled Innovative and Magnet Programs; and
- Rename EL Campus Charters (previously Charter Campus or Program).

See the notes below for additional information on these changes.

EF (LEGAL) INSTRUCTIONAL RESOURCES

Legal guidance addressing library materials has been relocated from EFA to this policy code.

EF (LOCAL) INSTRUCTIONAL RESOURCES

Local policy provisions addressing challenges to instructional resources have been relocated from EFA to this policy code. The policy is based heavily on materials from the American Library Association (ALA) and has been updated to reflect current ALA recommendations.

Other recommended changes include:

- Replacing the term "instructional materials" throughout the policy with the broader term "instructional resources" to clarify the scope of the policy;
- Deleting detail about APPEAL documents that is addressed in the grievance policies; and
- Clarifying at GUIDING PRINCIPLES that a parent may request that his or her child not be permitted access to challenged resources.

At FORMAL RECONSIDERATION, please confirm that the policy correctly lists the position of the individual who is responsible for accepting formal objections and appointing a reconsideration committee.

Explanatory Notes

TASB Localized Policy Manual Update 108

See <http://www.ala.org/tools/challengesupport/> for more information.

EFA (LEGAL) INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

Provisions addressing selection and adoption of instructional materials have been relocated from EFAA to this policy code.

EFA (LOCAL) INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

Local policy provisions addressing challenges to instructional resources have been relocated to EF.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

Provisions addressing selection and adoption of instructional materials have been relocated to EFA. EFAA is no longer an active code.

EFAA (LOCAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

This local policy is recommended for deletion. Changes to the Administrative Code effective May 5, 2016, deleted the requirement for a board to adopt a policy for selecting instructional materials. Instead, the rules require a board to select instructional materials in an open meeting with proper notice under the Open Meetings Act.

EGA (LEGAL) CURRICULUM DEVELOPMENT
INNOVATIVE AND MAGNET PROGRAMS

Provisions addressing innovative and magnet programs have been relocated to EHB. EGA is no longer an active code.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

Based on amended State Board of Education rules effective October 23, 2016, the list of courses that a district must offer at the high school level has been updated to include the newly adopted Personal Financial Literacy course (see item 4 on page 4).

EHB (LEGAL) SPECIAL PROGRAMS
INNOVATIVE AND MAGNET PROGRAMS

Provisions addressing innovative and magnet programs have been relocated from EGA to this policy code.

Explanatory Notes

TASB Localized Policy Manual Update 108

**EHBL (LEGAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY**

This legally referenced policy on high school equivalency programs (HSEP) was revised to incorporate rule changes effective February 14, 2017. The changes simplified language regarding STATE ASSESSMENTS required for HSEP admission, added details on HIGH SCHOOL EQUIVALENCY TESTING, aligned text with statutory language, and removed obsolete language.

**EHDB (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION**

Recommended revisions to this local policy on credit by examination with prior instruction are to clarify that the examinations used must be board approved and to reflect current statutory wording about failing to earn credit "or a final grade" because of excessive absences.

**EIF (LOCAL) ACADEMIC ACHIEVEMENT
GRADUATION**

This local policy on graduation has been revised to delete references to the minimum, recommended, and advanced/distinguished achievement graduation programs.

**EKBA (LEGAL) STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS**

Outdated provisions on exit-level testing exemptions for English language learners have been removed from this legally referenced policy.

EL (LOCAL) CAMPUS CHARTERS

Recommended revisions to this local policy on campus charters are intended to better align with the statutory provisions and current TEA expectations and include:

- Clarification at the beginning of the policy that the term "campus charter" includes program charters;
- To provide more flexibility at APPLICATION PROCESS, a change stating that application and petition forms will be available in the central administration office or other places accessible to parents and teachers, rather than in the superintendent's office;
- Addition of a reference to the legally required CONTENT OF A CHARTER;
- Addition of a statement explaining the process that the district will use when REVISING THE CHARTER;
- Clarification regarding the PROVISIONS FOR PROBATION OR REVOCATION to explain that the board may take appropriate action against the campus charter if the charter fails to meet academic or financial accountability requirements.

Explanatory Notes

TASB Localized Policy Manual Update 108

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

The list of Penal Code, Title 5, felony offenses in this exhibit has been moved to FOC(LEGAL). This exhibit is recommended for deletion.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G Section table of contents has been revised to change the subtitle of GKB to Advertising and Fundraising.

GKB (LOCAL) COMMUNITY RELATIONS
 ADVERTISING AND FUNDRAISING

Based on numerous district requests, Policy Service recommends a revision to this local policy on advertising and fundraising to add an affirmative statement that the district shall not accept paid political advertising. This common district practice allows the district to avoid the appearance of taking sides in election matters.

Contact the district's policy consultant for a revision to your policy if the district accepts paid political advertising.

For information on political advertising, campaign communications, and electioneering involving nonschool use of school facilities [policy GKD(LOCAL)], see the First Amendment *Starting Points* available in the Policy Service Resource Library on myTASB (<https://www.tasb.org/Services/Policy-Service/myTASB/Starting-Points/First-Amendment-Resources/Community/Gkd-Facilities.aspx#pitfall4>).

For general information on campaigning and political advocacy, see the TASB School Law eSource (<https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/Elections.aspx#Campaigns and Candidates>).

Vantage Points

A Board Member's Guide to Update 108

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.

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.

For more information about Policy Service, visit our website at <http://policy.tasb.org>.

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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Update 108 contains recommended changes to local policies on topics including instructional resources and materials, credit by examination with prior instruction, graduation, campus charters, and community relations in regard to advertising and fundraising. Revisions to legal policies incorporate various administrative rules and include some updating and recoding of provisions in anticipation of changes from the 85th Legislative Session, which will be included in Update 109, scheduled for early fall 2017.

Instruction Issues

Section E of the manual has been updated to reorganize, rename, and delete certain codes. The most significant changes to this section are in the EF series of policies addressing instructional resources and materials. Changes to the (LEGAL) policies have also been made to incorporate current TEA rules related to required course offerings [see EHAC(LEGAL)] and high school equivalency programs [see EHBL(LEGAL)] and to delete outdated exit-level testing exemptions for English language learners [see EKBA(LEGAL)]. Local policy recommendations related to instruction issues are described below.

EF, EFA, AND EFAA(LOCAL) POLICY CONSIDERATIONS

State Board of Education (SBOE) rules no longer require the adoption of a board policy for selecting instructional materials. Instead, the rules require a board to select instructional materials in a properly called meeting. Policy EFAA(LOCAL), which addressed the former SBOE rule, is therefore recommended for deletion at Update 108. With this change, we have also reorganized this series of policies and have moved, with changes, provisions on challenges to instructional resources from EFA to EF to better reflect the content of the assigned code. The recommended changes incorporated in the new EF(LOCAL) include replacing the term "instructional materials" with "instructional resources" to clarify the scope of the policy and aligning the policy more closely with the American Library Association guidelines for responding to challenges to instructional resources.

The reorganization in the EF series also allowed us to review and make recommendations for other existing codes that now appear outdated. Districts with local policies at codes EFF (Instructional Television), EG (Curriculum Development), and EGA (Innovative and Magnet Programs) will see recommendations at this Update to move or delete those provisions.

EL(LOCAL) POLICY CONSIDERATIONS

Revisions are recommended to this policy along with a title change to the code to address campus charter programs. The revisions recommended at this update are to better align with statutory provisions and TEA recommendations.

EHDB(LOCAL) POLICY CONSIDERATIONS

This local policy on credit by examination with prior instruction is recommended for revision at Update 108 to clarify the SBOE rule requirement that these examinations be approved by the board and to match statutory wording regarding the use of these examinations with students who fail to earn credit or are not awarded a final grade due to absences.

EIF(LOCAL) POLICY CONSIDERATIONS

Because the 2017–18 school year is the first school year for which the foundation graduation program will be fully transitioned, revisions are recommended at EIF(LOCAL) to remove references to the high school graduation credit requirements for the minimum, recommended, and advanced/distinguished achievement programs. Note that any students under the former programs who are continuing in school during the 2017–18 school year have the option to move to the foundation program.

Student Issues

Attendance rules, particularly commissioner of education rules related to truancy, prompted most of the changes to the F Section of the manual. FED(LEGAL) has been adjusted to include newly adopted rules related to the minimum standards for truancy prevention measures, as well as best practices and sanctions when a district is found to be out of compliance with the application of truancy prevention measures.

Other legally referenced policy codes modified in this update to more closely track statutory wording include FEA(LEGAL) on compulsory attendance and FFEA(LEGAL) on school counseling programs. Finally, certain statutorily driven material formerly housed at FNCF(EXHIBIT) and FOC(EXHIBIT) has been moved to the corresponding (LEGAL) policies at those codes.

District Operations

Accountability

AIA(LEGAL) and AIB(LEGAL) have been updated to include statutory provisions on accountability and performance reporting effective with the 2017–18 school year. AIC(LEGAL) has been updated to include commissioner rules associated with the process of submitting campus turnaround plans.

Elections and Trustees

Several legally referenced policies on district governance—including BBA(LEGAL), BBG(LEGAL), and BJCF(LEGAL)—have been modified to more closely align with current statutory text and citations. Because the board officer’s statement and oath of office is readily available in other locations, BBB(EXHIBIT) is recommended for deletion, as is BJCF(EXHIBIT), which repeats hearing officer procedures already described at DFD(LEGAL).

Site-Based Planning and Decision-Making Processes

Appropriate adjustments have been made to the BQ series of (LEGAL) policies to better match statutory wording associated with the requirements for district- and campus-level planning and decision-making committees.

Procurement and Business-Related Items

Rules adopted by the Ethics Commission related to contract disclosure requirements have been incorporated into CH(LEGAL). Administrative Code rules have also been added at COB(LEGAL) to address a district’s requirement to inform the Texas Department of Agriculture by April 1 of each year of the availability of summer meal programs. CJA(LEGAL), regarding criminal history record checks of contractors, has been reorganized and rewritten to more closely track current statute. Finally, CQA(LEGAL), which addresses required website postings, has been modified to include several additional website notices prescribed by statute and TEA rules.

Advertising

GKB(LOCAL) POLICY CONSIDERATIONS

Based on numerous requests from our members, new text is recommended stating that the district will NOT accept paid political advertising. This practice allows the district to avoid the appearance of taking sides in election matters. However, if the district does allow this type of advertising, it will be necessary to adjust the text.

Personnel Issues

Provisions on the activation, eligibility, issuance, and renewal of emergency teaching permits have been moved, with changes, from DK(LEGAL) to DBA(LEGAL) to accommodate new Administrative Code rules. New Administrative Code rules also prompted revisions to DBAA(LEGAL) addressing criminal history record checks of employees. Existing statutory provisions on reduction of personnel for continuing contracts have been added to DFF(LEGAL). DHB(LEGAL) has been updated to include recent State Board for Educator Certification (SBEC) rules related to required reports to SBEC of inappropriate employee conduct.