

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 105 & POLICY UPDATE 106 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 105

Please remember: Log in to my.tasb.org and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

Eagle Pass ISD

Update 105 includes revisions throughout the policy manual based on the passage of the Every Student Succeeds Act (ESSA), signed into law December 10, 2015, which replaces the previous version of the law—the No Child Left Behind Act (NCLBA)—and reauthorizes the Elementary and Secondary Education Act (ESEA). Update 105 also addresses several recent amendments to the Texas Administrative Code. Major topics affected by the rule changes include disclosures of interested parties to district contracts, integrated pest management, teacher and administrator appraisals, special education, prekindergarten grants, and individual graduation committees. Update 105 also includes several local policy topics, such as parent and family engagement; flag displays; records management; teacher credentials; term contract nonrenewal; reduction in force; comparability of services under Title I, Part A; and admission of homeless students.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 105 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Vantage Points—A Board Member's Guide to Update 105 may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Most Update 105 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Sarah Gutierrez, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 105 . . .

- Board action on Localized Update 105 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 105, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 105, affecting (LOCAL) policies” as the agenda item and, as agenda subitems, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 105 is as follows:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 105 [with the following changes:]”
- The board’s action on Localized Update 105 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* (<https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx>) and tutorial videos on handling an update (<https://www.tasb.org/Services/Policy-Service/myTASB/Tutorials.aspx>), available in the myTASB Policy Service Resource Library.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. You will need to notify us of the board’s action on Update 105 so that your district’s Localized Policy Manual as it appears on TASB’s web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 105 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 105 policy changes should be inspected and revised by the district as needed.

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

Vantage Points

A Board Member's Guide to Update 105

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update 105 policy changes. The short descriptions generally appear in the same order as the codes in the policy manual and 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.**

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.

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>.

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Update 105 includes revisions throughout the policy manual based on the passage of the Every Student Succeeds Act (ESSA), signed into law December 10, 2015. ESSA replaces the previous version of the law—the No Child Left Behind Act (NCLBA)—and reauthorizes the Elementary and Secondary Education Act (ESEA). Recent amendments to the Texas Administrative Code are also addressed throughout this update.

**Accountability
and
Accreditation**

ESSA made sweeping changes regarding federal accountability. To reflect those changes, as well as Texas's transition to the accountability requirements outlined by House Bill 2804, revisions have been made to legally referenced policies addressing accountability at AIA, AIB, AIC, and AID.

As a result of Administrative Code rule revisions, AIC(LEGAL) has also been amended to address procedures for when a board of managers transitions back to the elected board.

**District
Governance**

**Superintendent
Nonrenewal**

BJCF(LOCAL) POLICY RECOMMENDATION

This local policy addressing nonrenewal of the superintendent is recommended for revision to make the list of reasons for nonrenewal parallel, where appropriate, to the reasons for term contract nonrenewal at DFBB(LOCAL).

Changes to the list of protected characteristics are to better align with those in legal precedent regarding freedom from discrimination, harassment, and retaliation.

**Parent
and Family
Engagement**

BQ(LOCAL) POLICY RECOMMENDATION

Revisions at BQ(LOCAL) are to reflect Title I terminology updated by ESSA, which now refers to a “parent and family engagement policy” rather than the former “parent involvement policy” required as part of district and campus improvement plans. Corresponding legal provisions have been added at EHBD(LEGAL).

**District
Operations
Purchasing**

New Administrative Code rules from the Texas Ethics Commission have been added to CH(LEGAL), addressing the Disclosure of Interested Parties form a district must obtain from a business entity if the contract with the entity requires board action or has a value of at least \$1 million.

Integrated Pest Management	<p><i>CLB(LOCAL) POLICY RECOMMENDATION</i></p> <p>Recently amended Texas Department of Agriculture rules prompted recommended revisions to this local policy addressing the district's integrated pest management program. The revised rules have been incorporated at CLB(LEGAL).</p>
Flag Displays	<p><i>CLE(LOCAL) POLICY RECOMMENDATION</i></p> <p>For most districts, this is a new policy recommended for inclusion in the manual to reflect the board's obligation beginning with the 2016–17 school year to ensure that the U.S. and Texas flags are displayed when pledges of allegiance are recited by students in classrooms. The statutory detail has been added at CLE(LEGAL).</p>
Records Management	<p><i>CPC(LOCAL) POLICY RECOMMENDATION</i></p> <p>The Texas State Library and Archives Commission (TSLAC) requires a district to submit its records management policy, including the designation of the records management officer. TASB Policy Service consulted with TSLAC to provide appropriate policy recommendations to meet this obligation. CPC(LEGAL) was also substantially revised to incorporate existing statutory detail for clarification.</p>
Cybersecurity	<p>Information about the Cybersecurity Information Sharing Act, effective December 2015, has been added at CQ(LEGAL) (Technology Resources) and GBA(LEGAL) (Access to Public Information).</p>
Website Postings	<p>CQA(LEGAL) has been updated to include several existing website posting requirements from the Administrative Code.</p>
Personnel Issues	<p>At DBA(LEGAL), addressing employee credentials and records, the federal requirement for teachers and paraprofessionals to be "highly qualified" was repealed with the passage of ESSA and replaced with a new federal requirement for teachers to meet state licensure and certification standards. Revisions have also been made at DK(LEGAL) (Assignments and Schedules) and DPB(LEGAL) (Substitute, Temporary, and Part-Time Positions) to remove references to "highly qualified," as prompted by ESSA.</p>
Teacher Certification Standards	

DBA(LOCAL) POLICY RECOMMENDATION

Corresponding changes are recommended to this local policy to remove text regarding parent notification requirements when a teacher is not "highly qualified."

**Tuberculosis
Testing**

DBB(LOCAL) POLICY RECOMMENDATION

For districts with text at DBB(LOCAL) requiring evidence of tuberculosis testing prior to employment with the district, that text is recommended for deletion. In general, evidence of tuberculosis testing is no longer required by the Texas Department of State Health Services.

**Termination of
Employment**

DFBB(LOCAL) POLICY RECOMMENDATION

The repeal of federal "highly qualified" requirements also prompted recommended changes to this local policy on term contract nonrenewal to replace a reference to the term "highly qualified" with a reference to state certification and licensure standards. Other changes are recommended for consistency and compliance with current state law.

DFFA, DFFB, AND DFFC(LOCAL) POLICY RECOMMENDATIONS

These reduction-in-force policies are similarly recommended for revision to reflect the repeal in federal law of the "highly qualified" requirement. Note that not all districts have DFFC(LOCAL), which addresses educators on continuing contracts.

**Staff
Development**

In accordance with new Administrative Code rules, suicide prevention training requirements for staff have been incorporated at DMA(LEGAL). All new employees must receive training during new employee orientation, and all existing employees must be trained by September 30, 2016.

Administrative Code rules addressing adolescent literacy academies have also been incorporated at DMA(LEGAL).

Teacher and Campus Administrator Appraisals	Administrative Code rules regarding teacher appraisal and campus administrator appraisal, effective July 1, 2016, have been added to DNA(LEGAL) and DNB(LEGAL). The state-recommended systems are the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS). Local policies will be updated in response to a TASB Policy Service survey sent to the district's policy contact.
Curriculum and Instruction	The State Board of Education (SBOE) recently revised its rules to require that students complete at least one fine arts course while enrolled in grades 6–8. EHAB(LEGAL) has been revised to address the requirements when grade 6 classes are on an elementary campus. EHAC(LEGAL) has been amended to reflect the course requirement and that a district must provide students in these grades the opportunity to take fine arts courses in at least three of the four fine arts disciplines.
Fine Arts Instruction	
Special Education	Recently revised commissioner of education rules prompted revisions to legally referenced policies on special education at EHBA, EHBAB, EHBAC, EHBAD, and EHBAE. Changes at EHBAB(LEGAL) and EHBAE(LEGAL) require a district to provide copies of a student's individualized education plan (IEP) and certain notices to parents in the parent's native language.
Title I — Comparability of Services	<div style="border: 1px solid black; padding: 10px;"> <p><i>EHBD(LOCAL) POLICY RECOMMENDATION</i></p> <p>For districts that did not previously have a local policy addressing Title I comparability of services, this policy is recommended for inclusion in the manual for compliance purposes. For districts that already had this policy, revisions are recommended to reflect the comparability of services requirement in federal law.</p> </div>
Prekindergarten	New Administrative Code rules regarding the high-quality prekindergarten grant program have been incorporated at EHBG(LEGAL) and address eligibility for funding and requirements for applying and receiving funding for the program.
Dual Credit	EHDD(LEGAL) has been revised to reflect Administrative Code rules adopted by the Texas Higher Education Coordinating Board regarding a student's eligibility to enroll in a dual credit course.
Graduation	New commissioner rules addressing the individual graduation committee (IGC) process have been incorporated at EIF(LEGAL). An IGC must convene on or before June 10 and must make a decision to award a diploma by August 31 for a student to be considered a graduate for that school year.

Student Issues

Homeless Students

Legally referenced policies at FB (Equal Educational Opportunity), FD (Admissions), FDC (Homeless Students), and FFC (Student Support Services) have been revised to incorporate ESSA changes to the McKinney-Vento Homeless Assistance Act.

FDC(LOCAL) POLICY RECOMMENDATION

Recommended revisions to this local policy regarding students who are homeless are prompted by changes from ESSA to the McKinney-Vento Homeless Assistance Act and as a result of ongoing dialogue and communication with TEA regarding the dispute resolution process for students who are homeless.

Gun-Free Schools Act

Legally referenced policies regarding student discipline at FNCG and FOD have been revised to include existing provisions from the federal Gun-Free Schools Act (GFSA), including the definition of "school" and exceptions from the GFSA. A state provision was added to FOC to clarify that educational services must be provided to a student younger than six years of age who has been expelled under provisions of GFSA.

Additional Changes from ESSA

In addition to the policies mentioned above, ESSA also prompted revisions to the following legally referenced policies:

- At CNA(LEGAL), new provisions require procedures to be developed by December 10, 2016, between a district and the Department of Family and Protective Services regarding transportation solutions for students in foster care. Former requirements for districts to transport students to higher performing schools have been deleted.
- Changes at EEB(LEGAL) reflect the revised definition of "migratory child" and related definitions as these terms relate to class size waivers.
- EHBE(LEGAL) (Bilingual Education/ESL) has been revised to update the term now used in federal law for "English learners."
- FDB(LEGAL) and FDE(LEGAL) have been updated to address intra-district transfer rights under the new federal law.
- At FL(LEGAL), revisions clarify that the living situation of a homeless student is considered a student education record and that an opt-in

procedure may not be used for parental consent to the release of student information to military recruiters and institutions of higher education. FNA(LEGAL) (Student Expression) and FNCF(LEGAL) (Alcohol and Drug Use) have been revised to remove now-outdated No Child Left Behind provisions regarding federal funds.

***More
Information***

For more detailed information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your district's localized update packet.

Localized Policy Manual

Update 106

Please remember: Log in to my.tasb.org and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

Eagle Pass ISD

Update 106 is a special update in response to the commissioner of education rules adopted as authorized by Education Code 29.022, which requires installation and operation of video and audio equipment in certain special education classrooms or other special education settings on request of a parent, staff member, or trustee.

Please bear in mind that (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 106 packet contains:

- **INSTRUCTIONS . . .** providing specific directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES . . .** summarizing changes to EHBAF(LEGAL) and (LOCAL).

Vantage Points—A Board Member's Guide to Update 106 offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 106 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Sarah Gutierrez, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 106 . . .

- Board action on Localized Update 106 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 106, affecting policy EHBAF(LOCAL): SPECIAL EDUCATION—VIDEO/AUDIO MONITORING.” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. BoardBook compilers should use “Policy Update 106, affecting (LOCAL) policies” as the agenda item and, as agenda subitems, EHBAF(LOCAL): SPECIAL EDUCATION – VIDEO/AUDIO MONITORING.
- A suggested motion for board action on Localized Update 106 is as follows:
“I move that the board add EHBAF(LOCAL) as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 106 [with the following changes:]”
- The board’s action on Localized Update 106 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of the new **(LOCAL)** policy.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* (<https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx>) and tutorial videos on handling an update (<https://www.tasb.org/Services/Policy-Service/myTASB/Tutorials.aspx>), available in the myTASB Policy Service Resource Library.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. You will need to notify us of the board’s action on Update 106 so that your district’s Localized Policy Manual as it appears on TASB’s web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 106 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 106 policy changes should be inspected and revised by the district as needed.

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

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Vantage Points

A Board Member's Guide to Update 106

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 thumbnail 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.**

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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>.

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Education Code 29.022 contains a requirement to install and operate video and audio equipment in certain special education classrooms or other special education settings on request of a parent, staff member, or trustee. As authorized in Section 29.022, the commissioner of education has recently adopted rules to assist in the implementation of this requirement. The rules, effective August 15, 2016, require a board to adopt written policy addressing certain items.

Update 106 contains revisions to EHBAF(LEGAL) to incorporate the recently adopted rules and a new recommended local policy at this code to comply with the local policy requirement.

Relevant definitions are included in the commissioner rules, including definitions of "parent," "staff member," and "trustee," as well as the classrooms and other settings subject to a request.

Because these recordings are solely for the promotion of student safety and regular or continual monitoring is prohibited, the rules highlight the limited circumstances by which a recording can be viewed or released for viewing. Among these limited circumstances is when an "incident" is alleged to have occurred, defined in the rule as an event or circumstance occurring in the classroom or setting that involves abuse or neglect as defined by the Texas Family Code.

EHBAF(LOCAL) POLICY RECOMMENDATION

This policy is recommended for inclusion in the district's policy manual to address the local policy elements required by the commissioner rules.

The rules require that local policy repeat several provisions of the law, such as statements that video surveillance is for the purpose of promoting student safety, that video recordings must be retained for at least six months, and that regular or continual monitoring of the video is prohibited. Procedures for requesting video surveillance, for responding to a request, for providing advance written notice to staff and the affected parents, and for reporting a complaint of an alleged incident must also be addressed in the local policy.

The recommended local policy clarifies the term "instructional day" as referenced in the commissioner rules, describes individuals who may have access to the equipment or recordings for operation and maintenance purposes, and requires that campuses post notice at the entrance of each self-contained classroom or setting in which video cameras are placed stating that such surveillance is conducted.

Details are also included on the importance of timely reports of alleged incidents and the principal's obligations once an incident report is filed.

In late August, Policy Service will publish additional sample forms in Update 52 to the *Regulations Resource Manual*, available to superintendents and policy contacts in the myTASB Policy Service Resource Library, to help district administrators implement this law. Until then, superintendents and policy contacts can also access the forms through the Video Cameras in Special Education Classrooms *Policy Alert*, also on myTASB.

Please note: Because the commissioner rules were effective August 15, 2016, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

More Information

For more information on these policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your district's localized update packet.