

Explanatory Notes

TASB Localized Policy Manual Update 82

District: Brackett ISD

A (LEGAL) BASIC DISTRICT FOUNDATIONS

We have removed AF (Goals and Objectives) from the A section table of contents since materials on that topic have been moved to code AE at this update. AF is no longer an active code.

AE (EXHIBIT) EDUCATIONAL PHILOSOPHY

The requirement from HB 2563, effective September 1, 2007, that the board adopt a vision statement and comprehensive goals for the district and superintendent prompted us to combine these topics into a single code. Therefore, this exhibit addressing the mission, goals, and objectives of the public education system has been moved, unchanged, from AF to this code.

AF (EXHIBIT) GOALS AND OBJECTIVES

As indicated above, we have moved this exhibit addressing the mission, goals, and objectives of the public education system to policy code AE.

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

BBB(LEGAL) as issued in Update 81 included a provision from SB 670, effective April 25, 2007, that allows the board to adopt a resolution changing the length of its trustee terms in order to comply with the joint election obligations added by HB 1 from the third called session of the 79th Legislature. If your district has adopted such a resolution, please contact your policy consultant/analyst so that we may update both your BBB(LEGAL) and BBB(LOCAL) policies accordingly.

BBFB (LEGAL) ETHICS
PROHIBITED PRACTICES

At COUNTIES WITH POPULATION 35,000 OR MORE, on page 4, is a new provision from HB 2563, effective September 1, 2007, which significantly changes the nepotism rules for a district located wholly in, or whose largest part is located in, a county with a population of 35,000 or more. Board members now remain subject to the nepotism prohibitions for all district employees, even when the district delegates to the superintendent final authority to select district personnel. Previously, when the board delegated hiring authority to the superintendent, board members were not subject to the nepotism prohibitions to the extent of the delegation.

This change in the nepotism rules does not apply to a district located wholly in, or whose largest part is located in, a county with a population of less than 35,000. As indicated at COUNTIES WITH POPULATION LESS THAN 35,000, when a board delegates hiring authority to the superintendent in these districts, trustees are not subject to the nepotism prohibitions to the extent of the delegation.

At DEPOSITORY CONFLICT, on page 5, a provision has been added from HB 2411, effective June 15, 2007, allowing a bank seeking to become the district's depository to submit either a bid or proposal. Now a trustee who is a stockholder, officer, director, or employee of a bank is prohibited from voting to award a depository contract to the bank when the bank submits either a bid or a proposal.

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BDAF (LEGAL) OFFICERS AND OFFICIALS
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

At ASSESSOR, item 2, is a provision from HB 923, effective September 1, 2007, stating that, if the tax assessor mails a tax bill to the mortgagee, the assessor is not required to also mail the tax bill to the mortgagor.

BEC (LEGAL) BOARD MEETINGS
CLOSED MEETINGS

At SECURITY, on page 2, is a new provision from SB 11, effective September 1, 2007, that permits the board to go into closed session to discuss a security audit. The law already permitted a board to go into closed session to discuss the deployment of security personnel or devices; now districts may discuss sensitive safety and security information not previously covered by the closed meeting exception on security.

BJCF (LOCAL) SUPERINTENDENT
NONRENEWAL

On page 1 of the policy, those REASONS for nonrenewal of the superintendent's term contract that pertain to certain violations of law have been revised as follows:

- Item 11 now includes the failure to report an indictment, no contest or guilty plea, or any other adjudication (for any felony or any crime involving moral turpitude) as well as any other offense listed at DH(LOCAL).
- Item 12 has been rephrased to include conviction or deferred adjudication of any other offense listed at DH(LOCAL).

At Update 80, similar changes were made to DFBB(LOCAL) for other employees on term contracts.

CBB (LEGAL) STATE AND FEDERAL REVENUE SOURCES
FEDERAL

HB 2358, effective September 1, 2007, changes the account into which districts must deposit federal funds received to pay for state RETIREMENT AND INSURANCE CONTRIBUTIONS. Previously, the deposit was made to the General Revenue Fund; now the deposit must be made to the state contribution account.

CCA (LEGAL) LOCAL REVENUE SOURCES
BOND ISSUES

At EXISTING DEBT ALLOTMENT, HB 1922, effective September 1, 2007, defines bonds eligible for state funding as those on which the district made payments during the 2006-07 school year, ensuring that districts are guaranteed state funding for the majority of bonds they are currently responsible for paying.

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CCG (LEGAL) LOCAL REVENUE SOURCES AD VALOREM TAXES

Under SPLIT PAYMENT on page 5, SB 796, effective June 15, 2007, allows a district located in a county with a population of 250,000 or more that borders Harris County and the Gulf of Mexico and that has its taxes collected by another taxing unit that has adopted the split-payment option to decline the option for the district's taxes.

On page 10, HB 621, effective January 1, 2008, provides that property that meets the statutory definition of GOODS-IN-TRANSIT is exempt from taxation. A school board, however, may provide for the taxation of goods-in-transit by official action. Such action must be taken before January 1 of the first tax year in which the district proposes to tax the goods, and the board must conduct a public hearing prior to taking action.

Obsolete text regarding the election to approve the adopted 2006 tax rate has been deleted from page 4.

CCH (LEGAL) LOCAL REVENUE SOURCES APPRAISAL DISTRICT

At PARTICIPATION, a provision allowing districts that extend into two or more counties to participate in only one appraisal district is deleted by HB 1010, effective January 1, 2008. As a result, districts must participate in the appraisal districts of all counties in which they have property.

CDB (LEGAL) OTHER REVENUES SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

At LEASE OF PROPERTY TO A GOVERNMENTAL ENTITY, beginning on page 2, is a new provision from HB 2618, effective May 25, 2007. To promote a public purpose of the district, a district may lease district property or provide office space to another governmental entity. While the district must ensure that the terms of the lease or agreement promote the public purpose, the district is not required to comply with competitive purchasing and may provide the lease or office space for less than fair market value.

CDC (LEGAL) OTHER REVENUES GRANTS FROM PRIVATE SOURCES

At APPLICATION FOR GRANT, HB 2358, effective September 1, 2007, changes the account into which districts must deposit grant funds received to pay for state contributions to the retirement system and to the group insurance program for retirees. Previously, the deposit was made to the General Revenue Fund; now the deposit must be made to the state contribution account.

CKC (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT EMERGENCY PLANS

The district's multihazard emergency operations plan must now include provisions for responding to a TRAIN DERAILMENT near a district school if a district school is located within 1000 yards of a railroad track. Although the statutory text, from SB 1504, effective September 1, 2007, refers to the train derailment provisions as a "policy," the provisions are to be included in the multihazard emergency operations plan, rather than the district's policy manual.

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Districts must also report the results of their SECURITY AUDITS to the Texas School Safety Center, as provided by SB 11, effective September 1, 2007

CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

A new provision at REDUCTION OF ENERGY CONSUMPTION reflects material from HB 3693, effective September 1, 2007. The board must establish a goal to reduce the district's annual electric consumption by five percent each year for six years, beginning in 2007.

Two other provisions are also added from HB 3693 at ENERGY USAGE REPORT and LIGHT BULBS, beginning on page 3. A district must electronically record and report on the district's Web site utility usage amounts and the respective costs. In addition, light fixtures in instructional facilities must have energy efficient light bulbs.

At FINANCING, beginning on page 2, SB 831, effective June 15, 2007, enables districts to finance energy savings performance contracts under a lease/purchase contract for a longer term than previously allowed. Financing may now be for 20 years from the final date of installation, rather than 15 years, as before. The bill also extends the permissible financing term when the provider of the energy or water conservation measure provides the financing.

SB 831 also adds detail about the COST SAVINGS REVIEW that must occur before a district may enter into an energy savings performance contract.

The Texas Building and Procurement Commission's obligation to work with districts to develop a RECYCLING PROGRAM has been shifted to the comptroller. This change, reflected on page 4, comes from HB 3560, effective September 1, 2007.

CNB (LEGAL) TRANSPORTATION MANAGEMENT DISTRICT VEHICLES

Pursuant to HB 3560, effective September 1, 2007, two references to the Texas Building and Procurement Commission have been changed to the comptroller:

- At AUTHORIZATION TO PURCHASE OR LEASE VEHICLES, on page 1, districts may now purchase school motor vehicles through the comptroller; and
- At SALE OF BUSES, on page 2, districts may ask the comptroller to dispose of school buses that the district no longer needs.

A new provision from HB 323, effective September 1, 2007, has been added at SEAT BELTS, also on page 2. On school buses equipped with seat belts, districts must require students to wear the belts; for buses not already equipped with seat belts, districts must consider offers of donations to install three-point seat belts.

Also from HB 323 is a new provision, beginning on page 3, requiring districts to make school bus ACCIDENT REPORTS to TEA. The reports must include information on the type of bus, whether the bus was equipped with seat belts, the number of individuals involved in the accident, a description of injuries sustained in the accident, and whether injured persons were wearing seat belts. TEA will be drafting rules to determine whether additional information needs to be included in the reports.

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CRD (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT HEALTH AND LIFE INSURANCE

HB 2427, effective September 1, 2007, deletes the requirement at COMPLIANCE REPORT, beginning on page 2, that TRS certify whether the district's coverage is comparable to the basic health coverage provided to state employees for a district that does not participate in TRS ActiveCare. A district that does not participate in TRS ActiveCare must continue to report its compliance to TRS. In addition, the district must now make the report and its group health insurance policy or contract available at the central administrative office of each campus and on the district's Web site, if the district maintains one.

At HEALTH INSURANCE CONTRIBUTIONS FOR REHIRED RETIREES, on page 4, SB 1846, effective September 1, 2007, expands the circumstances under which the district is exempt from making contributions for retirees to TRS. Previously, districts did not have to pay the contribution for a person whom the district had reported as a retiree on January 1, 2005. Now a district does not have to pay the contribution for a person who retired before September 1, 2005, the date this requirement took effect, regardless of whether the district employed the retiree at that time. This change applies only to contributions made after September 1, 2007.

At CONTINUATION COVERAGE—AFTER RESIGNATION, on page 5, is a provision from HB 973. Effective with the 2007–08 school year, an employee who resigns after the end of the school year is eligible to continue health insurance coverage for one year from the date coverage was made available to district employees in the previous year. The district must continue its contributions during this time. As a result of this provision, most employees will have coverage during the summer months.

The period for which an employee on military leave may continue health insurance coverage has been extended by federal law from 18 to 24 months. This change is reflected at CONTINUATION COVERAGE, DURING MILITARY LEAVE, also on page 5.

A portion of the material at CONTINUATION COVERAGE, DURING FMLA LEAVE has been deleted as this text is duplicated at DEC(LEGAL).

CRG (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT DEFERRED COMPENSATION AND ANNUITIES

ANNUITIES for which a district may enter into a salary reduction agreement with an employee must now be registered with TRS. This new requirement, reflected on page 1, is from HB 2427, effective September 1, 2007.

As provided by HB 2341, effective September 1, 2007, districts must allow salary reductions for TRS certified and registered annuities except in certain circumstances listed at PROHIBITIONS ON DISTRICT, on page 2.

CS (LEGAL) FACILITY STANDARDS

A new provision from HB 1886 is added at PORTABLE BUILDINGS, on page 4. All portable, modular buildings capable of being relocated that are purchased or leased after September 1, 2007, must be inspected as provided by the Occupations Code to ensure compliance with mandatory building codes or approved designs, plans, and specifications.

CV (LEGAL) FACILITIES CONSTRUCTION

Various bills from the 80th Legislative Session affect this policy:

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- HB 2918, effective September 1, 2007, removes certain catalog purchases made through the state from the list of permissible purchasing methods for CONTRACTS VALUED AT OR ABOVE \$25,000, on page 1.
- HB 1268, effective September 1, 2007, prohibits construction contracts from providing for an award of ATTORNEY FEES to the district when the district prevails in a dispute, unless the contract provides for such an award to the other parties should they prevail in a dispute
- SB 883, effective May 25, 2007, provides that districts do not need to pay IMPACT FEES imposed under Local Government Code Chapter 395 unless the board consents through a contract with the governmental entity that imposes the fees
- HB 1886 prohibits the use of an interlocal contract after September 1, 2007, to purchase engineering or architectural services, as reflected at PROFESSIONAL SERVICES on page 3.
- HB 3560, effective September 1, 2007, transfers several duties from the Texas Building and Procurement Commission to the comptroller, requiring a conforming change at OUT-OF-STATE BIDDERS, on page 6.
- HB 2625, effective September 1, 2007, removes the requirement that a U.S. Department of Labor survey used by a district to determine the PREVAILING WAGE ON PUBLIC WORKS be conducted within the previous three years.

CVF (LEGAL) FACILITIES CONSTRUCTION JOB ORDER CONTRACTS

HB 1886, effective September 1, 2007, clarifies that when ARCHITECT OR ENGINEER services are required for a job order contract, the district shall follow the usual method of selection under Government Code Chapter 2254, which requires consideration of demonstrated competence and qualifications.

D (LEGAL) PERSONNEL

We have revised the D section table of contents to remove the obsolete policy code DBF, to update the title of the DF series from Termination of Contract to Termination of Employment, and to update the title of policy DMB (previously Special Programs Training) to Career Advancement.

DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

Added to this code are provisions addressing NONSCHOOL EMPLOYMENT. The new provisions require an employee to disclose in writing to his or her immediate supervisor any outside employment that may create a potential conflict of interest with the employee's duties or the best interest of the district. Employees must also report in writing any private tutoring of district students for pay. These disclosures permit the supervisor to examine nonschool employment on a case-by-case basis and determine whether it should be prohibited based on a conflict of interest

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DBE (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

We have rearranged text and added margin notes to distinguish between the different nepotism provisions that apply depending on whether a district is located wholly in, or whose largest part is located in, a county with a population of 35,000 or more. [See COUNTIES WITH POPULATION 35,000 OR MORE and COUNTIES WITH POPULATION LESS THAN 35,000, on page 1.] See the explanatory note at BBFB(LEGAL) for more information on the nepotism provisions

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

A provision from SB 606, effective June 16, 2007, is added at REPORT TO SBEC OF EDUCATOR MISCONDUCT. In a report to SBEC of an improper relationship between an educator and a student, a superintendent must report the name of the student or minor. The student's name is not subject to release in a request for information under the Public Information Act.

DHE (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

At REPORTS, beginning on page 2, SB 328, effective September 1, 2007, clarifies that a district must report a dilute specimen to the Department of Public Safety only if it results in a positive test. The definition of "dilute specimen" from the federal regulations has also been added.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

At ASSIGNMENT, SB 158, effective September 1, 2007, requires educational diagnosticians to be certified or to hold an appropriate permit. This bill codifies current practice based on existing regulations at 19 TAC 230.601.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

HB 1563, effective June 15, 2007, requires a district to award a POSTHUMOUS DIPLOMA to a student who dies while enrolled in the district as a senior if the student was academically on track to graduate at the time of death. There is an exception for students convicted or adjudicated as having engaged in a felony offense under Titles 5 or 6 of the Penal Code. This provision applies beginning with students enrolled in grade 12 during the 2005-06 school year.

HB 2237, effective June 15, 2007, encourages districts to develop a PERSONAL GRADUATION PLAN for each student entering ninth grade. Districts are already required to develop these plans for students who fail a state assessment instrument or who are not likely to graduate within five years of beginning ninth grade.

Detailed provisions on EXIT-LEVEL ASSESSMENT have been moved from this policy to EKB(LEGAL), a policy dedicated to state assessment testing. Provisions regarding notice of graduation requirements, which require districts to inform parents of state testing requirements for graduation, have been deleted from this code since they are already included at EKB(LEGAL).

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EK (LEGAL) TESTING PROGRAMS

An introductory statement from SB 1031 has been added to the section on COLLEGE PREPARATION ASSESSMENTS indicating that provisions from Education Code 39 0261 apply only if the legislature appropriates funds for these purposes. Because no funds were appropriated for this purpose, the provisions are not effective for this biennium

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Changes were made throughout this code, as follows:

- Text at STATE ASSESSMENT OF ACADEMIC SKILLS, on page 1, and NOTICE TO PARENTS AND STUDENTS, on page 2, has been revised for clarity.
- Limitations on student participation in UIL activities during state testing, adopted by TEA in April 2006, have been added at SCHEDULE, on page 1.
- Provisions on ACCOMMODATIONS, on page 3, including accommodations for dyslexic students, have been moved to clarify that such accommodations are not limited to special education students
- As indicated in the explanatory note for EIF(LEGAL), information on EXIT-LEVEL TESTING has been added at page 3.
- A provision requiring TEA to develop alternate assessment instruments for special education students has been deleted, as this is not an obligation of the district.
- Beginning on page 4, provisions addressing special populations have been rearranged for clarity and are now organized in three sections regarding students in SPECIAL EDUCATION, LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS, and LEP STUDENTS IN SPECIAL EDUCATION.

FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

A DISTRICT COMPLAINT OR REFERRAL regarding a student's failure to attend school must now be made within ten school days of the student's tenth absence. Previously, complaints or referrals had to be made within seven days of the student's last absence. These changes, reflected on page 7, come from SB 1161, effective June 15, 2007, and HB 2884, effective September 1, 2007, which were clarified by the recent Attorney General Opinion GA-574 (October 2, 2007).

FED (LEGAL) ATTENDANCE ATTENDANCE ENFORCEMENT

On page 2 has been added the current statutory option for a PEACE OFFICER to carry out the duties and responsibilities of the ATTENDANCE OFFICER that would otherwise be discharged by a regular school employee. In addition, a new provision from HB 2237, effective September 1, 2007, allows a peace officer to return a truant student to the district campus so that the student may meet compulsory attendance requirements

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FFAA (LEGAL) WELLNESS AND HEALTH SERVICES PHYSICAL EXAMINATIONS

SB 530, effective with the 2007–08 school year, requires districts to do a PHYSICAL FITNESS ASSESSMENT on each student in grades 3 through 12, using an instrument called FitnessGram. [See www.fitnessgram.net/texas/ for more information] Districts must also report a summary of the results to TEA, though individual student results are confidential and may be released only in accordance with law. As indicated in the *Model Student Handbook*, parents may request a copy of their child's assessment at the end of the school year.

SB 415, effective September 1, 2007, converts the acanthosis nigricans screening program to a broader risk assessment screening for type 2 diabetes. Students identified with acanthosis nigricans during the risk assessment screening must be further assessed for body mass index and blood pressure. The bill also creates a new requirement for the superintendent to report the screening results to the University of Texas-Pan American Border Health Office. These changes are reflected at RISK ASSESSMENT FOR TYPE 2 DIABETES, beginning on page 2.

FM (LEGAL) STUDENT ACTIVITIES

Provisions on STEROID TESTING are added from SB 8, requiring the UIL to adopt rules and implement testing of high school students during the 2007–08 school year. In general, districts must keep test results of individual students confidential.

At ELIGIBILITY, HB 208, effective beginning with the 2007–08 school year, clarifies that students otherwise eligible to participate in extracurricular or UIL activities are not ineligible because they are enrolled in dual-credit courses or concurrent enrollment programs. This addresses situations in which a student was considered ineligible because he or she was not enrolled full-time in courses on the district's campus.

At ADVANCED COURSES on page 2 is a new provision from SB 1517, also effective with the 2007–08 school year, stating that all advanced placement and international baccalaureate courses are exempt from the no pass, no play requirements. Honors and concurrent enrollment courses are exempt only if they are in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. We encourage each district to examine the courses it has designated for this purpose to ensure that all courses meet this new standard. Further guidance on the designation of these courses is available on the UIL's Web site at www.uil.utexas.edu/policy/no_pass_update.html.

FMH (LEGAL) STUDENT ACTIVITIES COMMENCEMENT

At SPECIAL EDUCATION STUDENTS, SB 673, effective May 8, 2007, requires a district to issue a certificate of attendance to a special education student who has completed four years of high school but has not completed his or her IEP and to allow the student to participate in a graduation ceremony with other students receiving high school diplomas. If the special education student subsequently completes his or her IEP, the student may receive a diploma.

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FN (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES

To this policy we have added a provision reflecting the common practice of distributing student handbooks electronically on district Web sites. Districts that choose electronic DISTRIBUTION must still provide a hard copy of the handbook if a student or parent requests one. If your district does not provide for electronic distribution, please contact your policy consultant/analyst for appropriate text.

FNA (LOCAL) STUDENT EXPRESSION DISTRIBUTION OF NONSCHOOL LITERATURE

At Update 81, a provision was added to FNA(LEGAL) based on the recent U.S. Supreme Court case *Morse v. Frederick*, which clarified that because of the special characteristics of the school environment and the governmental interest in stopping student drug use, a district may restrict student expression that it reasonably regards as promoting illegal drug use. This case also applies to student distribution of nonschool literature. Accordingly, we have added a provision at LIMITATIONS ON CONTENT prohibiting student distribution of nonschool literature that promotes illegal use of drugs, alcohol, or other controlled substances.

FNCG (LEGAL) STUDENT CONDUCT WEAPONS

HB 2112, effective September 1, 2007, modified the restriction against FIREARMS on school property to expressly include parking areas and garages on the property. A violation of the prohibition occurs only if the person intends to cause alarm, personal injury to another person, or damage to school property and if the person intentionally exhibits, uses, or threatens to exhibit or use the firearm.

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

Two changes from HB 426, effective September 1, 2007, are added at items 7 and 8 at DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM, on page 1: DAEP teachers must meet all certification requirements, and instructional time per day in the DAEP must not be less than the minimum amount of time required for non-disciplinary programs.

A new provision from HB 2532, effective June 15, 2007, is at ASSESSMENT OF ACADEMIC GROWTH on page 1. This provision requires districts to assess the academic growth of students placed in a DAEP for 90 school days or longer. The Commissioner will develop an assessment instrument for this purpose.

FOD (LEGAL) STUDENT DISCIPLINE EXPULSION

Districts that admit OVERAGE STUDENTS for the purpose of allowing the students to obtain a diploma may not place such students in a JJAEP. If an overage student engages in conduct that would normally result in JJAEP placement, the district must revoke the student's admission. This provision, on page 1, comes from HB 1137 and is effective with the 2007–08 school year.

From HB 8, effective September 1, 2007, is added a new school-related offense that results in MANDATORY EXPULSION: continuous sexual abuse of a young child or children.

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G (LEGAL) COMMUNITY

We have revised the G section table of contents to include the new policy code GRC, Emergency Management.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

At FIREARMS/WEAPONS on page 3, HB 2112, effective September 1, 2007, modifies the restriction against firearms on school property to expressly include parking areas and garages on the property. A violation of the prohibition occurs only if the person intends to cause alarm, personal injury to another person, or damage to school property and if the person intentionally exhibits, uses, or threatens to exhibit or use the firearm.

It is now a DEFENSE TO PROSECUTION for a concealed handgun license holder who carries a handgun to interscholastic events or board meetings if the holder is a judge or justice of a federal court, an active judicial officer, a district or county attorney, or a bailiff at the time of the commission of the offense. This new text, beginning on page 4, is from HB 1889 and HB 2300, both effective June 15, 2007.

GKDA (LOCAL) NONSCHOOL USE OF SCHOOL FACILITIES DISTRIBUTION OF NONSCHOOL LITERATURE

At Update 81, a provision was added to FNA(LEGAL) based on the recent U.S. Supreme Court case *Morse v. Frederick*, which clarified that because of the special characteristics of the school environment and the governmental interest in stopping student drug use, a district may restrict student expression that it reasonably regards as promoting illegal drug use. This case also permits a district to regulate the distribution of nonschool literature on district premises. Accordingly, we have added a provision at LIMITATIONS ON CONTENT prohibiting distribution of nonschool literature that promotes illegal use of drugs, alcohol, or other controlled substances.

GND (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES STATE EDUCATION AGENCY

Item 5 at ACADEMIC EXCELLENCE INDICATORS has been revised based on SB 1031, which implements end-of-course assessments beginning in the 2011–12 school year. Until the State Board of Education develops the end-of-course assessments, students will continue to be assessed using exit-level assessments.

On page 2, text from SB 1871, effective June 15, 2007, requires districts to report the performance of limited English proficient students disaggregated by the bilingual education or special language program in which they are or were enrolled.

Also from SB 1031 is a new provision, at item 8 on page 5, allowing the Commissioner to initiate a special ACCREDITATION INVESTIGATION following suspicion of a possible violation of an assessment instrument security procedure.

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The performance of students confined to a Texas Youth Commission facility is reported separately from the performance of other students in the district in which the facility is located. Now, HB 3092, effective with the 2007–08 school year, also exempts from a district's performance **CONFINED STUDENTS** in a residential program or facility operated by or under contract with the Texas Juvenile Probation Commission or any other governmental entity, including a juvenile board. This change is reflected on page 7.

GR (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES

At **TRANSPORTATION SYSTEM**, HB 273, effective June 15, 2007, permits a district to establish a transportation system outside the district through an interlocal contract.

GRA (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES LOCAL GOVERNMENTAL AUTHORITIES

On page 2 at **STUDENTS IN CUSTODY**, a new provision is added from HB 776, effective September 1, 2007, allowing a person who has taken a child into custody to release the child to the principal, principal's designee, or a peace officer at the child's school if the school staff member agrees to assume responsibility for the child for the remainder of the school day.

HB 2532, effective June 15, 2007, now requires the office of the prosecuting attorney to provide to a district information on whether a student is required to register as a sex offender. This change appears at **NOTICE OF DISPOSITION OF CHARGES**, on page 3. When a superintendent receives information from the prosecuting attorney about the **CONVICTION OR ADJUDICATION OF A STUDENT** (see page 4), the superintendent must provide notification to personnel within 24 hours of receiving the information. The statute was previously silent on how quickly the superintendent needed to provide the notification.

On page 4, HB 2532 also changes the **NOTICE TO PERSONNEL** requirements when a student is arrested or taken into custody. The superintendent must *promptly* notify personnel who have responsibility for supervising such a student. In addition, the superintendent may provide to the relevant personnel confidential information about the arrest if the superintendent determines that the information is needed for educational or safety purposes.

Any person, including a district, must release to the Texas Department of Family and Protective Services (DFPS) otherwise confidential information regarding the location or identifying information of a family subject to a Child Protective Services investigation if DFPS requests the information. This new provision appears at **CPS INVESTIGATIONS AT SCHOOLS** beginning on page 5 and is from SB 758, effective September 1, 2007.

GRC (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES EMERGENCY MANAGEMENT

This new policy was developed to gather together in a single code provisions on emergency management that involve other governmental entities. HB 1471, effective June 15, 2007, establishes the Texas Statewide Mutual Aid System, which permits a district to render mutual aid to other local government entities. The term "local government entity" is defined to include independent school districts. If a district receives a request for aid, the district must determine whether it has sufficient local resources to provide assistance. The requesting governmental entity is responsible for reimbursing the provider district for the cost of the aid.

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An appointed public officer whose job includes emergency management responsibilities must complete a training course regarding the responsibilities of state and local governments under the mutual aid provisions. This new requirement, at EMERGENCY MANAGEMENT TRAINING on page 3, comes from SB 11, effective June 6, 2007.