



UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

TOPIC: Review of LEGAL Policies in TASB Update 107

SUBMITTED BY: Gloria S. Rendon **OF:** Assoc. Superintendent for Administration

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: April 19, 2017

INFORMATIONAL REPORT:

Review of LEGAL Policies in TASB Update 107

See Attached List

Explanatory Notes

TASB Localized Policy Manual Update 107

AF (LEGAL) INNOVATION DISTRICTS

Final rules from the Administrative Code, effective September 11, 2016, have been added to this legally referenced policy on innovation districts. The rules clarify that the board may outline the parameters around which the innovation plan committee may develop the plan. See PUBLIC HEARING on page 1. Regarding ADOPTION OF A LOCAL INNOVATION PLAN, the district must report the approved exemptions on a form provided by TEA. At WEBSITE POSTING on page 4, a new provision requires the district's innovation plan to be posted on the district's website. Details from the rules were also added at DEFINITIONS on page 1 and at AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL INNOVATION PLAN on page 4.

BDAE (LEGAL) OFFICERS AND OFFICIALS DUTIES AND REQUIREMENTS OF DEPOSITORY

This legally referenced policy on the district depository has been revised to add existing statutory provisions. A board member who has a CONFLICT OF INTEREST with a potential district depository must abstain from the vote on the award of the contract. See page 3. Additional details have been added to fully describe the options for the depository to file a BOND or APPROVED SECURITIES as AUTHORIZED COLLATERAL for the district's deposits and to provide a definition of "eligible security." Other changes have been made to reorder provisions and better match statutory wording.

BR (LEGAL) REPORTS

This listing of required district reports has been revised to delete two reports that are no longer required, to better match statutory wording, and to update citations.

C (LEGAL) BUSINESS AND SUPPORT SERVICES

The subtitle of CDC has been changed to Gifts and Solicitations.

CDC (LEGAL) OTHER REVENUES GIFTS AND SOLICITATIONS

The subtitle of this legally referenced policy has been changed to Gifts and Solicitations to better reflect the content. An existing provision that prohibits a district from sponsoring or conducting CHARITABLE RAFFLES has been moved to this policy code from FJ(LEGAL). Other revisions are to better match statutory wording and remove provisions about the use of certain grant money for employee salaries and about the annual financial statement that are currently included in CFA(LEGAL).

CFC (LEGAL) ACCOUNTING AUDITS

At TYPES OF RATINGS on page 3, a new provision has been added from amended rules effective September 11, 2016. The provision explains that a district receiving territory from annexation or consolidation ordered by the commissioner of education will not receive a financial accountability rating for two years.

Explanatory Notes

TASB Localized Policy Manual Update 107

CJ (LEGAL) CONTRACTED SERVICES

This legally referenced policy is being added to the district's policy manual to include provisions from the Every Student Succeeds Act (ESSA). The new provisions require a district that receives Title I funds to have regulations or policies that prohibit assistance to school employees, contractors, or agents in obtaining a new job if there is knowledge or probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student. Certain exceptions to the requirements apply.

See CJ(LOCAL) and DC(LOCAL) for provisions to satisfy the local policy requirement.

CMD (LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Revisions on page 6 address new EMPLOYEE TRAINING requirements added to the Administrative Code effective May 5, 2016. The rule requires an employee who orders instructional materials to complete TEA-developed training. Also as a result of the changes to the Administrative Code, a provision about lost instructional materials has been deleted. Other changes are to better match statutory wording.

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

This legally referenced policy addressing internet postings has been revised to include two existing posting requirements. At REQUIRED INTERNET POSTINGS, item 6 has been added addressing the requirement for a district to post targeted improvement plans for campuses with unacceptable performance ratings. At OPTIONAL INTERNET POSTINGS on page 4, item 2 has been added addressing publication of the superintendent's employment contract.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

At FEDERAL REQUIREMENTS FOR TEACHERS AND PARAPROFESSIONALS, beginning on page 4, a provision from the Every Student Succeeds Act (ESSA) clarifies the requirements that apply to paraprofessionals beginning in the 2016–17 school year. ESSA requires the state's professional standards for paraprofessionals working in a program supported with Title I funds to include qualification standards in place on the day before enactment of ESSA (December 10, 2015). For reference purposes, the policy includes the federal qualification standards in place before December 10, 2015.

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

This conflict of interest policy has been updated at HOLDING CIVIL OFFICE on page 4 to add more detail from the Texas Constitution when an individual receives compensation from state funds and also serves as a member on certain governing bodies.

DC (LEGAL) EMPLOYMENT PRACTICES

This legally referenced policy is being amended to include provisions from the Every Student Succeeds Act (ESSA). The new provisions, beginning on page 5, require a district that receives Title I funds to have regulations or policies that prohibit assistance to school employees in obtaining a new job if there is knowledge or probable cause to believe that the employee engaged in sexual misconduct regarding a minor or student. Certain exceptions to the requirements apply.

See CJ(LOCAL) and DC(LOCAL) for provisions to satisfy the local policy requirement.

Explanatory Notes

TASB Localized Policy Manual Update 107

DECA (LEGAL) LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

An existing definition of "EQUIVALENT POSITION" has been added to this legally referenced policy on Family and Medical Leave. See page 4. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position.

Citations have been updated throughout.

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

Existing Administrative Code provisions have been added at ACCEPTING RESIGNATION on page 4. These provisions explain that before accepting an educator's resignation that requires a report to SBEC, the superintendent shall inform the employee and the school board that the report will be filed. Even if the educator resigns, the superintendent must complete an investigation if there is reasonable cause to believe that the educator may have engaged in misconduct.

DNA (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

This legally referenced policy on evaluation of teachers was revised to include an existing provision from the Administrative Code stating that a district with a locally developed appraisal system should have clearly defined procedures for training appraisers and is responsible for documenting completion of the training. See APPRAISERS on page 14.

DNB (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF CAMPUS ADMINISTRATORS

This legally referenced policy on evaluation of campus administrators was revised to include existing provisions from the Administrative Code addressing when a district uses the Texas Principal Evaluation and Support System (T-PESS) for administrators other than principals. The provisions require evaluation on at least one goal drafted in conjunction with the previous end-of-year conference. At least one goal must focus on the improvement of the administrator's practice. See APPRAISAL OF CAMPUS ADMINISTRATORS OTHER THAN PRINCIPALS, beginning on page 5. In addition, the district should have clearly defined procedures for training APPRAISERS and is responsible for documenting completion of the training.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

This legally referenced policy on selection and adoption of instructional materials has been amended as a result of revised Administrative Code rules effective May 5, 2016. The rules clarify that a district may requisition instructional materials on the SBOE INSTRUCTIONAL MATERIALS LIST for grades above the grade level in which the student is enrolled.

The rules 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. See LOCAL SELECTION.

A previous Administrative Code provision addressing selection of ancillary materials was deleted in the revised rules.

Explanatory Notes

TASB Localized Policy Manual Update 107

**EHBB (LEGAL) SPECIAL PROGRAMS
GIFTED AND TALENTED STUDENTS**

This legally referenced policy on gifted and talented students was revised to better match statutory structure and wording.

**EHBG (LEGAL) SPECIAL PROGRAMS
PREKINDERGARTEN**

An expired provision on reporting a district's strategies to increase community awareness of prekindergarten has been deleted from this legally referenced policy.

**EHDD (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
COLLEGE COURSE WORK/DUAL CREDIT**

A new Administrative Code provision effective May 24, 2016, has been added at REPORTING OFF-CAMPUS PROGRAMS on page 4. The provision clarifies that a district may adopt a policy that allows an eligible student, as defined in the policy, to participate in an instructional program provided by an accredited institution of higher education [addressed at EHDD(LOCAL), not included in this update].

**EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION**

A change at ENDORSEMENTS on page 9 is from amended Administrative Code rules effective August 22, 2016. The rules clarify that the same course may count as part of the set of four courses for more than one endorsement. Citations have also been updated.

F (LEGAL) STUDENTS

The title of FJ has been changed to Student Fundraising.

**FEB (LEGAL) ATTENDANCE
ATTENDANCE ACCOUNTING**

A new Administrative Code provision, effective May 24, 2016, has been added at FUNDING FOR OFF-CAMPUS PROGRAMS on page 2 and explains that funding eligibility for students who are participating in an approved off-campus instructional program includes time instructed in the off-campus program. When a student participates in an off-campus instructional program provided by an accredited institution of higher education, the district must have an agreement with the college.

An Administrative Code change clarifies that a student not on campus when attendance is taken may be considered in attendance for Foundation School Program purposes if the student is participating in a board-approved activity under the direction of a district's professional or "paraprofessional" staff. See item 1 at EXCEPTIONS, beginning on page 2. Previously, the activity had to be under the direction of a professional staff member.

Also at EXCEPTIONS, provisions that are duplicated in FEA(LEGAL) have been deleted and replaced with a cross-reference to that code.

**FFA (LEGAL) STUDENT WELFARE
WELLNESS AND HEALTH SERVICES**

Final rules from the U.S. Department of Agriculture, effective August 29, 2016, have been incorporated into this legally referenced policy on student health and wellness. The rules address wellness policy requirements under the Healthy, Hunger-Free Kids Act of 2010. Districts must comply with the newly revised federal rules by June 30, 2017. See FFA(LOCAL) below for local policy information.

Explanatory Notes

TASB Localized Policy Manual Update 107

FFAA (LEGAL) WELLNESS AND HEALTH SERVICES PHYSICAL EXAMINATIONS

This legally referenced policy on physical examinations has been updated to include existing statutory provisions that:

- Permit spinal screening requirements to be met by a professional examination (see OUTSIDE SCREENING on page 4),
- Authorize the district to do a PROVISIONAL ADMISSION for up to 60 days when a parent arranges a spinal screening by a person other than the screener used by the district,
- Outline recordkeeping and reporting requirements for spinal screenings (see RECORDS on page 5), and
- Require the superintendent to provide the parent a REPORT OF ABNORMALITY if a student may have an abnormal spinal curvature.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES IMMUNIZATIONS

Revisions at IMMUNIZATION REQUIREMENTS on page 1 are to align the text with the Administrative Code, including changes effective July 28, 2016, and include the following:

- The hepatitis A vaccine is required for all students in kindergarten–grade 12, not just students in high incidence areas.
- Students enrolling in grades 7–12 must have one dose of the meningococcal vaccine on or after the student's 11th birthday.

A new Administrative Code provision, effective July 28, 2016, requires a district to provisionally admit a CHILD IN FOSTER CARE for 30 days if evidence of vaccination is not available. See page 3.

The July rule changes also address electronic immunization records. The rules clarify at EVIDENCE OF IMMUNIZATION, on page 4, that immunization records generated from electronic health record systems must include the clinic contact information and the provider's signature or stamp and that IMMUNIZATION RECORDS may be stored in paper or electronic form.

Citations have been updated throughout the policy.

FJ (LEGAL) STUDENT FUNDRAISING

An existing provision from the Administrative Code on student fundraisers has been added to this legally referenced policy, which has been retitled Student Fundraising. The provision allows districts to authorize up to six days per school year on each school campus for student fundraisers that involve the sale of food and beverages that do not meet federal nutrition standards, as long as the foods and beverages are not sold in competition with school meals.

A provision that prohibits a district from sponsoring or conducting charitable raffles has been moved from this code to CDC(LEGAL), above.

GKA (LEGAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

The full text of the FEDERAL GUN-FREE SCHOOL ZONES ACT of 1990 has been added to this legally referenced policy beginning on page 8. The Act makes it unlawful for a person to knowingly possess a firearm at a place that the person knows or has reasonable cause to believe is a school zone or to discharge or attempt to discharge a firearm at a place the person knows is a school zone. "School zone" is defined in the policy, which includes certain exceptions to both of these prohibitions.