

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 101 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 101

Please remember: Log in to myTASB.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 101 incorporates recent changes to the Administrative Code regarding board member training, depository contracts, superintendent severance payments, school nutrition policies, child abuse and neglect, and various instruction topics.

A recent commissioner of education decision prompted changes to all three of the local policies addressing grievances. Other local policies in Update 101 address purchasing, including submission of electronic bids or proposals, and the authority to approve variations to the school calendar and close schools for reasons of public health and safety.

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 101 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 101 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.

Update 101 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, Tammy Jordan, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 101 . . .

- Board action on Localized Update 101 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 101, 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 101, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 101 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 101 [with the following changes:]”
- The board’s action on Localized Update 101 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* available in the myTASB Policy Service Resource Library at http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx.

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 101 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 101 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 101 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 advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Vantage Points

A Board Member's Guide to Update 101

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.**

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 further information about Policy Service, check out our website at <http://policy.tasb.org>.

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Update 101 incorporates recent changes to the Administrative Code on topics including board member training, school nutrition policies, secondary curriculum requirements, promotion and retention, and reporting child abuse and neglect, as well as revisions to the legally referenced policies on employee contracts. Local policy recommendations at Update 101 address issues such as board meetings, acceptance of electronic bids or proposals for district purchases, the authority to approve school closures and variations to the school calendar, and a recent commissioner of education decision that prompted changes to all three of the local policies addressing grievances.

Board Issues

**Board
Training**

As reflected in revisions to BBD(LEGAL) on board training and orientation, the State Board of Education (SBOE) amended the existing requirement that a board president announce board member compliance with training requirements. Effective August 25, 2014, and applicable for the last calendar meeting of 2014, the amended rules require an additional statement that completion of annual training is an obligation and expectation of any board member under SBOE rule. Training requirements for new board members were also revised to specify a minimum time frame of three hours for the local district orientation, along with topics that the orientation must cover. In addition, a change was also made in the deadline to receive training on the Texas Education Code, which now must occur within the first 120 days of service rather than the first year and include discussion of specific chapters of the Education Code. Finally, the rules added a requirement that the annual team building session include a review of the framework for governance leadership, also approved by the SBOE. [For the governance framework, see BBD(EXHIBIT), not included in this update.]

**Board
Meetings**

BE(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy on board meetings simplify the language in order to accommodate variations from a board's normal meeting practices. Rather than listing the regular meeting location, the policy now indicates that each notice shall reflect the date, time, and location of the meeting, whether the meeting is a regular, special, or emergency meeting. Recommended revisions also clarify that when determined necessary and for the convenience of board members, the board president may change the date, time, or location of regular meetings with proper notice.

Another recommended revision provides additional flexibility regarding the deadline to submit agenda items.

**Superintendent
Severance**

BJCE(LEGAL), addressing suspension or termination of the superintendent, has been revised to incorporate amendments to the Administrative Code requiring a district that makes a severance payment to a superintendent to send copies of the superintendent's employment contract and the termination or severance agreement along with the Superintendent Payment Disclosure Form to the Texas Education Agency (TEA). The district must also provide any other information or documentation that the commissioner requests to determine if a payment is a severance payment.

**District
Operations**

Amended Administrative Code provisions also prompted changes regarding depositories at policy BDAE(LEGAL). The amended rules require a district's notice of request for proposals to include the Bid Form for Depository Services or the Proposal Form for Depository Services, as applicable, prescribed by SBOE rule. In addition, a district is required to use the depository contract form included in the Administrative Code and, if applicable, the surety bond form and is required to file the completed documents with TEA.

Depositories

**Purchasing and
Acquisition**

CH(LOCAL) POLICY CONSIDERATIONS

Under Texas law, a board may accept bids or proposals submitted electronically, but only if the board adopts rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

For districts that did not have text at CH(LOCAL) addressing electronic bids and proposals, we recommend new provisions allowing for this type of submission. These new provisions do not obligate a district to accept electronic submissions; however, bids or proposals that the district has chosen to accept electronically must be in accordance with board-adopted rules. For districts that already had text addressing electronic submission of bids and proposals, we recommend adding text to reference the board-adopted rules. Other recommended revisions throughout this policy are to more closely align with common district practice and to refer to administrative purchasing procedures.

**School
Nutrition
Standards**

New rules from the Texas Department of Agriculture (TDA), effective July 1 and September 1, 2014, repeal the former Texas Public School Nutrition Policy but continue prohibitions on the use of deep fat fryers and soft drinks. The new rules, reflected at CO(LEGAL), also place restrictions on the time and place of the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to

revise their Wellness Policies to adopt alternative standards. Definitions of "school day," school campus," and "competitive foods" are also included. The sanctions involved if a district is found to be in violation of the TDA rules have been added as well.

**Use of School
Facilities**

Provisions from Senate Bill 2 from the 83rd Texas Legislature, Regular Session, have been incorporated at GKD(LEGAL) addressing nonschool use of school facilities. The new text provides that a district may not require a campus or campus program charter created by converting an existing district campus to purchase or rent a district facility in order to use the facility. The provisions also prohibit a district from requiring a campus or campus program charter or an open enrollment charter school to pay an amount for contracted services that is higher than the actual cost to the district for providing the services.

**School
Calendar**

EB(LOCAL) POLICY CONSIDERATIONS

This local policy addressing the school year is recommended for inclusion in the policy manual for districts without a local policy and for revision by districts with a local policy. The recommended text gives the superintendent the authority to approve variations from the board-adopted school calendar when necessary and to close schools for reasons of public health and safety. These provisions ensure that the superintendent has the authority to act when an immediate need arises.

**Grievance
Process**

DGBA, FNG, AND GF(LOCAL) POLICY CONSIDERATIONS

A recent commissioner's decision held that under the district's grievance policy an employee's use of the informal grievance process extends the timeline for filing a formal grievance, which would not begin to run until after the employee received a final response regarding the informal process. Recommended revisions at DGBA(LOCAL), the policy on employee complaints, FNG(LOCAL), on student and parent complaints, and GF(LOCAL), on complaints by the public, address this decision and clarify that participation in the informal grievance process does not extend any deadlines in the policies, except by mutual written consent, and that an administrator with whom a complainant addresses concerns through the informal process must have the authority to address those concerns.

Other significant recommended changes throughout the complaint policies provide flexibility to districts during the formal grievance process, including:

- A new provision stating that, while a district will make reasonable attempts to schedule conferences at a mutually agreeable time, if the complainant fails to appear at a scheduled conference, the district can hold the conference without the complainant;
- Revised text requiring Level One and Level Two administrators to “schedule” rather than “hold” conferences within ten days of receiving a written complaint or appeal notice, providing some flexibility when it is not possible to hold the conference within the ten-day period; and
- An exception to the requirement that a Level One administrator provide a response within ten days of a conference when there are extenuating circumstances.

**Employment
Issues**

**Contract
Employees**

Several legally referenced policies regarding contract personnel—DCA(LEGAL) addressing probationary contracts, DCB(LEGAL) addressing term contracts, and DCC(LEGAL) addressing continuing contracts—have been reorganized to more closely track current statutory language, to remove redundant provisions already covered at other codes, and to add existing statutory information to help clarify when each type of contract is required. In addition, a cross-reference to a new DK(EXHIBIT), which outlines SBEC certification requirements for personnel assignments, has been added to these legally referenced policies.

**Professional
Standards**

New commissioner rules on teacher and principal standards are referenced in notes at DNA(LEGAL) and at DNB(LEGAL), respectively.

Instruction

**Secondary
Curriculum
Requirements**

Revisions at EHAC(LEGAL) reflect amendments to the Administrative Code to align the secondary curriculum requirements with the courses that districts must offer under House Bill 5. New SBOE rules have also been incorporated requiring districts to provide CPR instruction at least once to all students who entered grade 7 in or after the 2010–11 school year. This requirement can be waived by the ARD or Section 504 committee for a student with a disability if the student is unable to complete the CPR instruction.

Adult Education

EHBI(LEGAL), addressing adult and community education, has been revised to reflect new rules enacted by the Texas Workforce Commission (TWC), which now has oversight of adult education and literacy programs.

**Academic
Achievement
Records**

As reflected in changes at EI(LEGAL), on academic achievement, and at FL(LEGAL), on student records, a new SBOE rule requires districts to use an academic achievement record form that includes student demographics, school data, student data, and the courses and credits the student earned.

Furthermore, as noted at EI(LEGAL), academic achievement records must indicate endorsements, performance acknowledgments, and the distinguished level of achievement, as appropriate.

Certificate of Coursework Completion

The same SBOE rule that prompted changes at EI(LEGAL) and FL(LEGAL) also resulted in new text at FMH(LEGAL) providing that a student who completes all graduation requirements except for required end-of-course assessments may be issued a certificate of coursework completion. A related provision from existing statute explains that a district may allow a student who receives a certificate of coursework completion to participate in graduation ceremonies. See EI(LOCAL) and FMH(LOCAL), not included in this update, for whether your district issues certificates of coursework completion and allows students with certificates to participate in commencement ceremonies.

Retention and Promotion

The legally referenced policy addressing retention and promotion, EIE(LEGAL), has been reorganized for clarity and revised to reflect amendments to the Administrative Code. The amended rules rename the Grade Placement Committee Manual to the Student Success Initiative (SSI) manual, as reflected throughout the policy. Provisions addressing accelerated instruction for unsatisfactory performance on assessment instruments have been deleted, as those provisions are not specific to promotion and retention.

English Language Learners

Amended commissioner rules addressing English language learners' participation in state assessments are reflected at EKBA(LEGAL). The amended rules address which English end-of-course assessment can be used to meet graduation requirements for an English language learner who meets certain criteria and is enrolled in English I or English for Speakers of Other Languages I.

Makeup Work

EIAB(LOCAL) POLICY CONSIDERATIONS

For those districts that have this local policy on makeup work, we recommend its deletion. Guidelines on makeup work are typically distributed to students and parents in administrative materials, such as the district's grading guidelines or the student handbook, which creates the potential for conflicts with board-adopted provisions in the policy manual. There is no requirement for such a policy to be included in the district's local board policy manual.

Student Issues

**Reporting
Child Abuse
and Neglect**

Revised commissioner rules on reporting child abuse and neglect incorporate new statutory requirements made by Senate Bill 939 from the 83rd Texas Legislature, Regular Session, and are reflected at FFG(LEGAL). The amended rules require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect and to provide training to district employees to increase awareness of sexual abuse and other maltreatment of children. Districts must also display at each campus a poster that meets certain specifications and includes information on reporting child abuse and neglect.

FFG(LOCAL) POLICY CONSIDERATIONS

To satisfy the commissioner’s new requirement that districts adopt policies for reporting child abuse and neglect, this new local policy is recommended for inclusion in the district’s manual. The policy requires individuals who have cause to believe that a child has been or may be abused or neglected to make a report as required by law and requires reports to be made in accordance with FFG(EXHIBIT). A revised FFG(EXHIBIT) referencing the new local policy is included in this update to distribute to staff.

**Attendance for
Credit**

For clarification, an existing attorney general opinion has been added at FEC(LEGAL), addressing attendance for credit. In the opinion, the attorney general determined that, for purposes of receiving credit or a final grade, all absences are considered when calculating whether a student attended class for 90 percent of the days the class is offered.

**Student
Travel**

FMG(LOCAL) POLICY CONSIDERATIONS

For those districts that have this local policy on student travel, recommended revisions are to simplify the policy and reflect common district practice. The policy also addresses common practices regarding authority to approve overnight and out-of-state trips.

**More
Information**

For further 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.

Instruction Sheet

TASB Localized Policy Manual Update 101

District Eagle Pass ISD

Code	Action To Be Taken	Note
BBD (LEGAL)	Replace policy	Revised policy
BDAE (LEGAL)	Replace policy	Revised policy
BE (LOCAL)	Replace policy	Revised policy
BJCE (LEGAL)	Replace policy	Revised policy
CH (LOCAL)	Replace policy	Revised policy
CKB (LEGAL)	Replace policy	Revised policy
CO (LEGAL)	Replace policy	Revised policy
DCA (LEGAL)	Replace policy	Revised policy
DCB (LEGAL)	Replace policy	Revised policy
DCC (LEGAL)	Replace policy	Revised policy
DGBA (LOCAL)	Replace policy	Revised policy
DK (EXHIBIT)	ADD exhibit	See explanatory note
DNA (LEGAL)	Replace policy	Revised policy
DNB (LEGAL)	Replace policy	Revised policy
EB (LOCAL)	ADD policy	See explanatory note
EHAC (LEGAL)	Replace policy	Revised policy
EHBI (LEGAL)	Replace policy	Revised policy
EI (LEGAL)	Replace policy	Revised policy
EIE (LEGAL)	Replace policy	Revised policy
EKBA (LEGAL)	Replace policy	Revised policy
FDC (LEGAL)	Replace policy	Revised policy
FEC (LEGAL)	Replace policy	Revised policy
FFA (LOCAL)	No policy enclosed	See explanatory note
FFAD (LEGAL)	Replace policy	Revised policy
FFG (LEGAL)	Replace policy	Revised policy
FFG (LOCAL)	ADD policy	See explanatory note
FFG (EXHIBIT)	Replace exhibit	Revised exhibit
FL (LEGAL)	Replace policy	Revised policy
FMH (LEGAL)	Replace policy	Revised policy
FNG (LOCAL)	Replace policy	Revised policy
GF (LOCAL)	Replace policy	Revised policy
GKD (LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 101

District: Eagle Pass ISD
BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

At the last regular board meeting of the calendar year, the board president must announce board member compliance with state training requirements. Due to amended State Board of Education (SBOE) rules, effective August 25, 2014, the board president must include an additional statement that completion of the required annual training is an obligation and expectation of any board member under SBOE rule. See REPORTING, beginning on page 1.

The amended rules also clarify that:

- The local district ORIENTATION for NEW MEMBERS must be at least three hours and must address local district practice in the areas of curriculum and instruction, business and finance operations, district operations, superintendent evaluations, and board member roles and responsibilities;
- The ORIENTATION for NEW MEMBERS to the Education Code and relevant legal obligations must be provided by an education service center, occur within the first 120 days of service instead of during the first year of service, and address Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction); and
- The annual TEAM BUILDING session must include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership.

An existing provision permitting CURRENT MEMBERS to attend the local district orientation and orientation to the Education Code offered to new board members was added on page 2.

Please note: To assist districts in complying with the SBOE requirements for announcing board member training, the *TASB Regulations Resource Manual* in the Policy Service Resource Library on myTASB includes an announcement template at BBD(EXHIBIT).

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

Amended Administrative Code provisions, effective May 15, 2014, resulted in several changes to this legally referenced policy on depositories. At COMPETITIVE BIDDING and REQUESTS FOR PROPOSALS, the rules require the notices to include the Bid Form for Depository Services or the Proposal Form for Depository Services, as applicable, prescribed by SBOE rule.

In addition, the district is required to use the depository CONTRACT form included in the Administrative Code and, if applicable, the surety bond form and file the completed documents with TEA.

The school district depository contract and the bid/proposal form can be found at <http://www.tea.state.tx.us/index2.aspx?id=25769811504>.

BE (LOCAL) BOARD MEETINGS

Recommended changes to this local policy are to simplify the policy and make it more flexible to accommodate variations from the board's normal meeting practices. At MEETING PLACE AND TIME, rather than listing the regular meeting location, the policy language indicates that the notice shall reflect the date, time, and location of the meeting. This notice requirement applies whether the meeting is a regular, special, or emergency meeting. The policy also clarifies that when determined necessary and for the convenience of board members, the board president may change the date, time, or location of REGULAR MEETINGS with proper notice. In addition, your locally developed text has been retained at REGULAR MEETINGS and SPECIAL OR EMERGENCY MEETINGS.

Explanatory Notes

TASB Localized Policy Manual Update 101

At AGENDA, DEADLINE, the former policy language required agenda items to be submitted by noon on the day indicated, which did not reflect common practice in most districts. The recommended text, listing only the day and not the time by which agenda items must be submitted, provides the district more flexibility.

Other recommended changes are to conform to policy style.

Please contact your policy consultant for an adjustment to this policy if any of the following information is incorrect: the day or time of your regular meetings, how special or emergency meetings are called, or the deadlines for submitting agenda items.

BJCE (LEGAL) SUPERINTENDENT SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy addressing suspension or termination of the superintendent was revised to incorporate amendments to the Administrative Code effective August 7, 2014. If a district makes SEVERANCE PAYMENTS to the superintendent, the district must send to TEA the Superintendent Payment Disclosure Form, as well as the following documents: the superintendent's employment contract, a copy of the termination or severance agreement, and any information or documentation that the commissioner requests to determine if a payment is a severance payment.

The DEFINITION OF SEVERANCE PAYMENT includes any payment for actual or threatened litigation involving or related to the employment contract. Because damages for early termination of a contract are now encompassed in the broad definition of "severance payment," the amended rules deleted an unnecessary provision specifically addressing these damages.

CH (LOCAL) PURCHASING AND ACQUISITION

Under Texas law, a board may accept bids or proposals submitted electronically but only if the board adopts rules to ensure the identification, security, and confidentiality of the electronic bids or proposals and that the electronic bids or proposals remain effectively unopened until the proper time. The recommended text at ELECTRONIC BIDS OR PROPOSALS ensures that districts have appropriate policy provisions in place for any bids or proposals that the district chooses to accept electronically. The text does not obligate the district to accept bids or proposals electronically but does require that any such submission be administered in accordance with board-adopted rules that address the legal requirements.

References to board-adopted rules for electronic bids and proposals have also been added at COMPETITIVE BIDDING and COMPETITIVE SEALED PROPOSALS so it is clear that any board rules on electronic submissions will apply to electronic bids or proposals.

A recommended revision at RESPONSIBILITY FOR DEBTS clarifies that debts made in the name of the district must be consistent with the adopted budget, law, board policy, and the district's purchasing procedures. This text mirrors provisions at CE(LOCAL), not included in this update, regarding authorized expenditures.

To increase flexibility, at PURCHASE COMMITMENTS, the specific reference to purchase orders was replaced with a reference to the district's administrative procedures including any district purchasing procedures, where the district should outline the circumstances for when purchase orders are required.

At PERSONAL PURCHASES, the prohibition on employees making purchases for personal use was broadened to apply to all purchases, not just purchases of supplies or equipment.

Please review the dollar amount for purchases that require board approval at PURCHASING AUTHORITY, and contact your policy consultant if revisions are needed.

Explanatory Notes

TASB Localized Policy Manual Update 101

- The text at ELIGIBLE EMPLOYEES lists the positions that the district may employ by term contract. To assist districts with SBOE certification requirements for assignments, a cross reference to a new chart at DK(EXHIBIT) has also been added at item 5.
- At EXCLUSIONS, new text explains that the term contract provisions in Education Code Chapter 21 Subchapter E do not apply to a person not entitled to a probationary, term, or continuing contract under Chapter 21, an existing contract, or district policy.

Please note: This policy addresses notification and distribution of the district's employment policies. To assist districts in complying with these obligations, TASB Policy Service publishes a Policy Alert: Employee Notification, available in the Policy Service Resource Library on myTASB, at <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Emp-Notification.aspx>.

DCC (LEGAL) EMPLOYMENT PRACTICES
CONTINUING CONTRACTS

This legally referenced policy on continuing contracts has been reorganized to better reflect statutory wording.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the employee knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before an employee may file a formal complaint.

The INFORMAL PROCESS encourages an employee to discuss concerns with his or her supervisor, principal, or other appropriate administrator. We have clarified that in the informal process an administrator with whom an employee discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that employees must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with DGBA.
- NOTICE TO EMPLOYEES requires districts to inform employees of the policy through appropriate district publications. Most districts already do so in their employee handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the employee's e-mail address of record. See FILING and RESPONSE.

Explanatory Notes

TASB Localized Policy Manual Update 101

- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the employee fails to appear at a scheduled conference, the district can hold the conference without the employee.
- LEVEL ONE and LEVEL TWO administrators must "schedule" rather than "hold" conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Your locally developed text throughout LEVEL THREE has been retained.

Similar changes have been made to FNG(LOCAL), addressing student and parent complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

DK (EXHIBIT) ASSIGNMENT AND SCHEDULES

This new exhibit outlining credential requirements for assignments is recommended for inclusion in your district's policy manual to serve as an easily referenced resource.

DNA (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

A note with a reference to the commissioner rules on teacher standards, effective June 30, 2014, has been added on page 8.

DNB (LEGAL) PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

A note with a reference to the commissioner rules on principal standards, effective June 30, 2014, has been added on page 2.

EB (LOCAL) SCHOOL YEAR

This local policy addressing the school year is recommended for inclusion in the district's policy manual. The recommended text gives the superintendent the authority to act in two critical situations: approving variations from the board-adopted school calendar, when necessary, and closing schools for reasons of public health and safety. These provisions ensure that the superintendent has the authority to act when an immediate need arises.

Explanatory Notes

TASB Localized Policy Manual Update 101

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

Amendments to the Administrative Code, effective June 18, 2014, align the secondary curriculum requirements with the courses that districts must offer under House Bill 5. The GRADES 9–12 COURSE OFFERINGS must include at least one additional advanced English course (item 1). The list of science courses from which a district may choose now includes the Principles of Engineering (item 3). In the area of technology applications, districts must offer computer science I and II or AP computer science and at least two of the other courses listed (item 9).

New SBOE rules, effective August 25, 2014, address curriculum requirements for CPR INSTRUCTION. See page 7. The rules require districts to provide the instruction at least once to all students who entered grade 7 in or after the 2010–11 school year. The instructor is not required to be certified in CPR if the instruction is not intended to result in CPR certification. If a student with a disability is unable to complete the instruction, the student's ARD or Section 504 committee can waive the requirement.

EHBI (LEGAL) SPECIAL PROGRAMS ADULT AND COMMUNITY EDUCATION

In the 2013 Texas legislative session, adult education and literacy (AEL) programs were transferred from the SBOE and TEA to the Texas Workforce Commission (TWC). This legally referenced policy on adult and community education has been revised to reflect the new TWC rules that were adopted effective February 24, 2014. The rules clarify that the AEL STAFF DEVELOPMENT requirements do not apply to clerical or janitorial staff and that new AEL staff with assessment and instructional duties must receive six hours of professional development in addition to the 12 hours required annually.

EI (LEGAL) ACADEMIC ACHIEVEMENT

A new SBOE rule, effective June 18, 2014, requires districts to use an ACADEMIC ACHIEVEMENT RECORD form that includes student demographics, school data, student data, and the courses and credits that the student earned. The rules require that the academic achievement records indicate endorsements, performance acknowledgments, and the distinguished level of achievement, as appropriate.

EIE (LEGAL) ACADEMIC ACHIEVEMENT RETENTION AND PROMOTION

This legally referenced policy addressing retention and promotion has been reorganized for clarity and revised to reflect amendments to the Administrative Code, effective February 26, 2014. The amended rules rename the Grade Placement Committee Manual to the Student Success Initiative (SSI) manual, as reflected throughout the policy.

The STUDENT ADVANCEMENT provisions requiring academic achievement or demonstrated proficiency were moved to the beginning of the policy along with the grade 5 and 8 promotion requirements and notification of ADVANCEMENT REQUIREMENTS.

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Provisions addressing accelerated instruction for unsatisfactory performance on assessment instruments have been deleted, as these provisions are not specific to promotion and retention. The policy now includes only the accelerated instruction requirements for UNSATISFACTORY PERFORMANCE ON GRADE ADVANCEMENT TESTS.

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

The commissioner rule addressing exemptions for English language learner (ELL) students who are administered the grade 10 TAKS was repealed effective March 5, 2014, since the exemptions are no longer relevant. As a result, we have deleted reference to these exemptions at DOCUMENTATION on page 1.

The commissioner rules addressing participation of ELL students in state assessments was amended to provide that ELL students enrolled in English I or English for Speakers of Other Languages I who meet certain criteria are not required to retake the English I EOC assessment each time it is administered if the students pass the course but not the EOC. See EXCEPTION on page 4. These students will use the English II EOC assessment to meet graduation requirements. The amendments also deleted references to the cumulative score and the requirement to count the assessment as 15 percent of a student's final grade in the course.

**FDC (LEGAL) ADMISSIONS
HOMELESS STUDENTS**

This legally referenced policy on homeless students was revised to delete provisions requiring written notice to the parent of a homeless child explaining the general rights provided under the McKinney-Vento Act. These provisions apply only to specific schools for homeless children and do not apply to any Texas school districts.

**FEC (LEGAL) ATTENDANCE
ATTENDANCE FOR CREDIT**

For clarification, we have added an existing attorney general opinion JC-0398, which interprets the 90 percent attendance standard for a student to receive credit or a final grade. In the opinion, the attorney general determined that all absences are considered when calculating whether the student attended class for 90 percent of the days the class is offered.

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

New rules from the Texas Department of Agriculture (TDA) place restrictions on the time and place for the sale and consumption of competitive foods. These restrictions reflect the previous standards from the repealed Texas Public School Nutrition Policy; however, the new TDA rules give local school boards the option to revise their Wellness Policies to adopt alternative standards. If your district wishes to adopt alternative standards, you will need to adjust your policy at this time. Please contact your policy consultant.

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More information may be found in the September 2014 TASB Policy Alert available at: <https://www.tasb.org/Services/Policy-Service/myTASB/Policy-Alerts/Wellness.aspx> and in a helpful guidance document prepared by TDA, which reflects both the competitive food requirements and the time and place restrictions, available at: <http://www.squaremeals.org/Portals/8/files/NSLP/Competitive%20Foods%20School%20Guidance%20Rank%20Card.pdf>.

FFAD (LEGAL) WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

We have updated the link to the Texas Department of State Health Services information on communicable diseases on page 2.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

Revised commissioner rules, effective July 22, 2014, on reporting child abuse and neglect incorporate new statutory requirements made by Senate Bill 939, 83rd Texas Legislature, Regular Session.

At REPORTING POLICY, on page 4, the revisions require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. See the explanatory notes for FFG(LOCAL) and FFG(EXHIBIT), below. Another requirement is for districts to provide training to district employees to increase awareness of sexual abuse and other maltreatment of children. During the 2014–15 school year, districts must provide this training to all current employees by the dates listed in the policy at ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT, beginning on page 5. Each year thereafter, districts must provide the training to all new employees as part of new employee orientation.

Districts must also place a poster that meets the listed specifications at each campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. See REQUIRED POSTER on page 6. A sample poster that meets the requirements can be found at <http://www.onewithcourage.org/take-action/for-educators>.

FFG (LOCAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

As noted above, revised commissioner rules now require districts to “adopt” rather than “establish” policies for reporting child abuse and neglect. To satisfy this requirement, we recommend this new local policy for inclusion in the district’s policy manual. This policy requires individuals who have cause to believe that a child has been or may be abused or neglected to make a report as required by law and requires reports to be made in accordance with FFG(EXHIBIT).

A revised FFG(EXHIBIT) referencing this new local policy is included in this update to distribute to staff.

FFG (EXHIBIT) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

This exhibit has been updated to refer to the new local policy at FFG(LOCAL) addressing child abuse and neglect.

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FL (LEGAL) STUDENT RECORDS

Districts must permanently maintain the ACADEMIC ACHIEVEMENT RECORD for each of their students. As reflected on page 4, a new SBOE rule, effective June 18, 2014, requires districts to use an academic achievement record form that includes student demographics, school data, student data, and the courses and credits that the student earned.

FMH (LEGAL) STUDENT ACTIVITIES COMMENCEMENT

We have added text from a revised SBOE rule, effective June 18, 2014, stating that a student who completes all graduation requirements except for required end-of-course assessments may be issued a CERTIFICATE OF COURSEWORK COMPLETION. A related provision from existing statute explains that a district may allow a student who receives a certificate of coursework completion to participate in graduation ceremonies.

FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance would not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in student and parent grievances.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the student or parent knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to use of an informal conference before a student or parent may file a formal complaint.

The INFORMAL PROCESS encourages a student or parent to discuss concerns with the appropriate teacher, principal, or other campus administrator. We have clarified that in the informal process a campus administrator with whom a student or parent discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

- Revisions at OTHER COMPLAINT PROCESSES clarify that students and parents must initiate some complaints by following the specific complaint processes in the listed policies. However, appeals stemming from those complaint processes may need to be submitted in accordance with FNG. The requirement to submit complaints concerning DAEP has been deleted; these complaints may now be filed through FNG. Please note, however, that many districts' student codes of conduct specify the individual to whom these complaints must be filed. If that individual differs from the LEVEL ONE administrator, the complaint will need to be forwarded to the appropriate administrator listed in the SCOC.

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- Item 5 at OTHER COMPLAINT PROCESSES has been revised to refer to failure to award a final grade on the basis of attendance.
- NOTICE TO STUDENTS AND PARENTS requires districts to inform students and parents of the policy through appropriate district publications. Most districts already do so in their student handbooks.
- Complaint forms and appeal notices may be filed by electronic communication, including e-mail and fax, by close of business on the deadline. Likewise, district responses can be sent by electronic communication to the student's or parent's e-mail address of record. See FILING and RESPONSE.
- At SCHEDULING CONFERENCES is a new provision stating that the district shall make reasonable attempts to schedule conferences at a mutually agreeable time. However, if the student or parent fails to appear at a scheduled conference, the district can hold the conference without the student or parent.
- LEVEL ONE and LEVEL TWO administrators must "schedule" rather than "hold" conferences within ten days of receiving the written complaint or appeal notice. This change gives administrators some flexibility when it is not possible to hold the conference within the ten-day period.
- Additional flexibility is also given to the LEVEL ONE administrator, allowing an exception to the requirement to provide a response within ten days of the conference when there are extenuating circumstances. This could apply, for example, when an extensive investigation is needed.
- Revisions at LEVEL TWO and LEVEL THREE specify that the conferences and hearing are limited to the issues and documents at the previous conference, except as otherwise permitted at LEVEL THREE.

Similar changes have been made to DGBA(LOCAL), addressing employee complaints, and GF(LOCAL), addressing complaints by the public. See the explanatory notes for those policies.

Updated complaint and appeal forms will be included in the next *TASB Regulations Resource Manual* update available in late January 2015.

GF (LOCAL) PUBLIC COMPLAINTS

A recent commissioner of education decision, *Anzaldua v. Valley View Independent School District*, held that under the district's grievance policy, an employee's use of the informal grievance process extended the time line for filing a formal grievance. Therefore, the time line for filing a formal grievance did not start to run until after the employee had received a final response from the person conducting the informal process. These concepts from the commissioner decision would also apply in grievances from community members.

To address this decision, a recommended revision at INFORMAL PROCESS clarifies that participation in the informal grievance process does not extend any deadlines in the policy, except by mutual consent. This new text is consistent with the current requirement, at LEVEL ONE, that complaint forms must be filed within 15 days of the date the individual knew, or with reasonable diligence should have known of the decision or action giving rise to the complaint. A conforming change at FORMAL PROCESS deletes reference to the INFORMAL PROCESS before an individual may file a formal complaint.

The INFORMAL PROCESS encourages individuals to discuss their concerns with an appropriate administrator. We have clarified that in the informal process the administrator with whom an individual discusses concerns must have the authority to address those concerns.

This policy includes several other recommended changes as follows:

