

# Vantage Points

## A Board Member's Guide to Update 114

**Please note:** *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and brief descriptions focus on key issues to help local officials understand changes found in the policies.

**The description of policy changes in *Vantage Points* is highly summarized. Please pay careful attention to the more detailed, district-specific Explanatory Notes and the policies in your localized update packet.**

For questions, contact Policy Service at [policy.service@tasb.org](mailto:policy.service@tasb.org), call us at 800-580-7529, or visit our website at [policy.tasb.org](http://policy.tasb.org).

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

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Numerous bills were enacted in the 86th Legislative Session. In this *Vantage Points*, we will focus primarily on the local policies impacted by these new laws. There are a few policies that are recommended for updating in response to revised guidance from the Texas Education Agency. Different from previous versions of the *Vantage Points*, we have organized this document to align with the sections of the policy manual.

**We strongly encourage you to review the Explanatory Notes contained in your district’s update packet for information specific to your policies and additional background on all the changes to the legal policies. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

## **Section B—Local Governance**

### **Tax Officials**

#### ***BDAF(LOCAL) POLICY CONSIDERATION***

A few districts had provisions regarding tax officials at this code. Since the statutory language on tax officials is being moved to CCG(LEGAL), districts with this policy will find that the content regarding the employment of an assessor or collector of district taxes has been moved to CCG(LOCAL). The BDAF policy code has been deleted from the table of contents and is no longer an active code.

### **Board Meetings**

SB 494 reduced the time required to post notice of an emergency meeting from two hours to one hour. This new one-hour requirement would also apply to an amendment to the meeting agenda after the 72-hour deadline, which is known as a supplemental notice. The same bill revised what constitutes an emergency or urgent public necessity that would permit the board to hold an emergency meeting or to amend its agenda after the 72-hour deadline.

SB 1640 revised the definition of “deliberation” and added new provisions that prohibit a series of communications between board members. Board members should review the sections in BE(LEGAL) titled Deliberation and Prohibited Series of Communications for more information.

#### ***BE(LOCAL) POLICY CONSIDERATION***

SB 494 reduces the time required to post notice of an emergency meeting or to provide a supplemental notice from two hours to one hour. A recommended revision to BE(LOCAL) reflects this change. All other legislative changes regarding board meetings are reflected in BE(LEGAL).

## Public Comment

HB 2840 impacts the manner in which public comment is conducted in your district. Prior to this legislation, the board had ample discretion to manage the portion of the meeting when citizens could address the board. The law now requires that public comment be permitted on agenda items at all meetings, including regular meetings, special meetings, and board workshops. The opportunity for the public to address the board on an agenda item must be before or during the board's deliberation on the item. The bill also states that the board cannot prohibit public criticism of the board unless the criticism is otherwise prohibited by law. HB 2840 does permit the board to establish reasonable rules that govern the amount of time an individual is permitted to speak, with additional time permitted for speakers that require certain translation services.

### ***BED(LOCAL) POLICY CONSIDERATION***

The vast majority of school districts were permitting public comment prior to this new law. In response to HB 2840, the following revisions to BED(LOCAL) are recommended:

- Deletion of the overall time for public comment.
- Deletion of the requirement that delegations of a certain number appoint one spokesperson.
- At regular meetings, public comment continues to be permitted on any topic, whether it is an item on the posted agenda or not.
- At special meetings, including board workshops or work sessions, public comment is limited to items on the posted agenda.
- A new provision is included requiring all public comment to occur at the beginning of the meeting.

To assist with efficient management of board meetings when large numbers of individuals wish to address the board, the revised policy permits the presiding officer to make adjustments to procedures, such as adjusting the time allotted to each speaker, reordering agenda items, deferring public comments on nonagenda items, and continuing agenda items to a later meeting.

For those few districts that did not permit public comment at board meetings prior to this legislation, the revisions made to BED(LOCAL) will now permit public comment at all board meetings but only for agenda items. The policy for these districts also states when public comment will be received and includes a provision that permits the presiding officer to make adjustments to procedures for meeting efficiency as well as time limits for individuals to address the board.

If the board wishes to limit public comment to agenda items at regular meetings, adjust the individual time limit, or make other adjustments to this policy, please contact the district's TASB policy consultant.

To assist the board in developing public comment procedures, Policy Services provides samples in the *TASB Regulations Resource Manual*. Please contact your superintendent or your TASB policy consultant if you wish to review these sample board procedures.

**Section C—  
Business and  
Support Services**

**Texas Economic  
Development Act**

***CCGB(LOCAL) POLICY CONSIDERATION***

For those districts that currently have a local policy at CCGB(LOCAL), we recommend a more streamlined version of that policy. The revised policy removes legal provisions that can be found in CCGB(LEGAL) and addresses provisions that require board action, such as establishing the threshold for the large project application, setting the standard application fee, providing procedures for filing and processing the application, outlining the board and superintendent responsibilities regarding the application and implementation of the agreement, and providing a statement regarding conflicts of interest.

**Investments**

HB 2706 permits the district to invest bond proceeds or pledged revenue to the extent allowed by the Public Funds Investment Act, other laws, and the district's local policy.

***CDA(LOCAL) POLICY CONSIDERATION***

The recommended changes to CDA(LOCAL) permit the district to invest bond proceeds or pledged revenue in accordance with law. Additional recommended revisions clarify that, should the district exercise the option to invest in bond proceeds, those investments could not be made in no-load mutual funds.

Governmental Accounting Standards Board (GASB) Statement 84 revised terminology to change "agency" funds to "custodial" funds. In response, a corresponding change is recommended in the local policy.

Finally, a few districts' local policies included a statement requiring an annual portfolio report to the board in addition to the monthly or quarterly reports the board receives. Because there is no requirement to reflect this practice in policy, the provision is recommended for removal. A district may continue to provide this annual report without the policy provision.

**Purchasing  
Procedures**

***CH(LOCAL) POLICY CONSIDERATION***

The Texas Education Agency, through its *Financial Accountability System Resource Guide*, requires the district to have purchasing procedures to comply with a variety of state and federal laws. Recommended policy text has been added that requires the superintendent to develop those procedures.

**Emergency  
Operations  
Plans**

***CKC(LOCAL) POLICY CONSIDERATION***

Recommended revisions to this policy require the district's emergency operations plan to include active shooter response procedures (HB 2195) and to ensure that a substitute teacher has access to campus buildings and materials to carry out duties of a regular district employee during an emergency or emergency drill (SB 11).

**Security  
Personnel**

***CKE(LOCAL) POLICY CONSIDERATION***

This policy has been revised to comply with SB 1707. The bill prohibits district peace officers or school resource officers (SRO) from being assigned routine discipline or school administrative tasks. A statement to this effect has been added to the policy.

SB 1707 also requires that the board determine the duties of the district's peace officers and SROs and include those duties in specific documents, such as the district improvement plan, the student code of conduct, and other appropriate publications. For districts with a police force, if your policy describes the powers and duties of your police officers, your policy will meet this requirement. If your district has entered into an agreement with local law enforcement to hire SROs and has this currently reflected in your policy manual, new policy language is recommended to satisfy the SB 1707 requirement to determine SRO duties.

**Cybersecurity**

***CQB(LOCAL) POLICY CONSIDERATION***

This new recommended policy code has been created to house the new cybersecurity policy required by SB 820 and to address the cybersecurity training of employees and board members required by HB 3834. This new code is also where provisions on security breaches are now found; these provisions were formerly coded at policy CQ. The security breach text has

been revised to address reporting requirements to the Texas Education Agency in accordance with SB 820.

## **Section D— Personnel**

### **Furloughs**

#### ***DFFA(LOCAL) POLICY CONSIDERATION***

A minor revision is recommended to this policy as a result of HB 3 moving statutory provisions on furloughs from Education Code Chapter 42 to Chapter 48. The detail has been removed in favor of the cross-reference to policy DEA.

### **Firearms**

#### ***DH(LOCAL) POLICY CONSIDERATION***

HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view. Recommended changes to this policy and GKA(LOCAL) reflect this new law by deleting language requiring firearms in locked vehicles to be unloaded.

## **Section E— Instruction**

### **Gifted and Talented Program**

#### ***EHBB(LOCAL) POLICY CONSIDERATION***

Based on HB 3 and the newly adopted Texas State Plan for the Education of Gifted/Talented Students, EHBB(LEGAL) and (LOCAL), the policies on gifted and talented (GT) services, have been updated. EHBB(LOCAL) has undergone a complete review to ensure that all required provisions are included in the policy as reflected in law and the state plan. In addition to the revisions to existing text, new recommended provisions address use of GT funds and the annual compliance certification the district must make to the commissioner. This recommended policy also addresses parent consultations for exiting students, appeals, and broader language regarding the selection committee. The remaining revisions are recommended to provide more flexibility to the district regarding reassessments and placement of transfer students in the GT program.

### **Partnership Charters**

#### ***ELA(LOCAL) POLICY CONSIDERATION***

This policy only appears in a few districts' policy manuals. A minor revision has been made to the legal citation in this policy as a result of HB 3, which

moved funding provisions regarding partnership charters from Education Code Chapter 42 to Chapter 48.

**Section F—  
Students**

**School Safety  
Transfers**

***FDE(LOCAL) POLICY CONSIDERATION***

TEA's recent revisions to the Unsafe School Choice Option Guidance Handbook prompted recommended changes at FDE(LOCAL) to update the list of violent criminal offenses for which a victim is eligible for a transfer to another school within the district.

**UIL Physicals**

***FFAA(LOCAL) POLICY CONSIDERATION***

A new UIL rule requires students who are participating in marching band to have a pre-participation physical in accordance with the schedule established by the UIL. Recommended revisions to this policy broaden the language to accommodate future changes to UIL rules and allow the superintendent to designate other extracurricular programs for which the district will require physicals.

**Threat  
Assessments**

FFB(LEGAL) includes new provisions regarding the establishment and composition of threat assessment and safe and supportive school teams as required by SB 11 and the process these teams will use in evaluating individuals and students who make threats of violence or exhibit harmful, threatening, or violent behavior.

***FFB(LOCAL) POLICY CONSIDERATION***

This new recommended local policy has been created in response to SB 11 and addresses the requirement for boards to adopt policies and procedures regarding the threat assessment and safe and supportive teams. The district's policies and procedures must be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC). TASB collaborated with the TxSSC to develop this policy.

The TxSSC advises that district procedures need to be individualized to fit each district's unique circumstances. The TxSSC website has numerous resources to assist in developing such procedures.

**Trauma-Informed Care**

***FFBA(LOCAL) POLICY CONSIDERATION***

This new recommended local policy on trauma-informed care has also been developed to comply with SB 11. The details of the district's trauma-informed care program must be included in the district improvement plan. The policy specifies the elements required to be addressed in the district's trauma-informed care program, including increasing staff and parent awareness of trauma-informed care, required training, and available counseling options for students affected by trauma or grief. The policy also affirms that the district must report training compliance to TEA.

**Student Records**

***FL(LOCAL) POLICY CONSIDERATION***

This policy has been revised to assist with the implementation of the district's safe and supportive school program (see policy FFB) as required by SB 11. The new recommended provision at Access by School Officials clarifies that a person appointed to a team that supports the safe and supportive school program may access student records if the person has a legitimate educational interest in the records.

**Section G—  
Community and  
Governmental  
Relations**

**Public  
Information  
Requests**

***GBAA(LOCAL) POLICY CONSIDERATION***

SB 494 permits the board of a district impacted by a catastrophe to temporarily suspend the Public Information Act. This policy includes new recommended provisions to delegate to the superintendent the authority to approve the initial suspension period of up to seven consecutive days and provide the required notices. For an extension beyond the initial seven-day period, the law requires the board to determine whether it is still impacted by the catastrophe. Thus, the recommended local policy text requires the board to approve an extension.

**Firearms**

***GKA(LOCAL) POLICY CONSIDERATION***

HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view. Recommended changes to this policy and DH(LOCAL) reflect this new law by deleting language requiring firearms in locked vehicles to be unloaded.



Instruction Sheet  
TASB Localized Policy Manual **Update 114**

**Brownsville ISD**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
ATTN	(NOTE)	No policy enclosed	See explanatory note
AF	(LEGAL)	Replace policy	Revised policy
AG	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
B	(LEGAL)	Replace table of contents	Revised table of contents
BAA	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BBFA	(LEGAL)	Replace policy	Revised policy
BBI	(LEGAL)	Replace policy	Revised policy
BDAE	(LEGAL)	Replace policy	Revised policy
BDAF	(LEGAL)	DELETE policy	See explanatory note
BE	(LEGAL)	Replace policy	Revised policy
BED	(LEGAL)	Replace policy	Revised policy
<b>BED</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
<b>BED</b>	<b>(EXHIBIT)</b>	<b>Review exhibit</b>	<b>Revise as necessary</b>
BJCB	(LEGAL)	Replace policy	Revised policy
BJCD	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
BR	(LEGAL)	DELETE policy	See explanatory note
C	(LEGAL)	Replace table of contents	Revised table of contents
CBA	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCH	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
<b>CDA</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CFEA	(LEGAL)	Replace policy	Revised policy

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<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
CH	(LEGAL)	Replace policy	Revised policy
CK	(LEGAL)	Replace policy	Revised policy
CKC	(LEGAL)	Replace policy	Revised policy
CKC	(LOCAL)	Replace policy	Revised policy
CKD	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CKE	(LOCAL)	Replace policy	Revised policy
CKEA	(LEGAL)	ADD policy	See explanatory note
CKEB	(LEGAL)	ADD policy	See explanatory note
CKEC	(LEGAL)	ADD policy	See explanatory note
CL	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNA	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
<b>CQ</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
CQA	(LEGAL)	Replace policy	Revised policy
CQB	(LEGAL)	ADD policy	See explanatory note
<b>CQB</b>	<b>(LOCAL)</b>	<b>ADD policy</b>	<b>See explanatory note</b>
CQC	(LEGAL)	ADD policy	See explanatory note
CRG	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DEA	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DEB	(LEGAL)	Replace policy	Revised policy
DEC	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
<b>DFFA</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
DG	(LEGAL)	Replace policy	Revised policy

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TASB Localized Policy Manual **Update 114**

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<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
DH	(LEGAL)	Replace policy	Revised policy
<b>DH</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
DHB	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	ADD policy	See explanatory note
DMA	(LEGAL)	Replace policy	Revised policy
DNA	(LEGAL)	Replace policy	Revised policy
DNB	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EA	(LEGAL)	ADD policy	See explanatory note
EB	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EEB	(LEGAL)	Replace policy	Revised policy
EEM	(LEGAL)	Replace policy	Revised policy
EF	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAB	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
<b>EHBB</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
EHBC	(LEGAL)	Replace policy	Revised policy
EHBF	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHBK	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EIC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EK	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EL	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FB	(LEGAL)	Replace policy	Revised policy

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TASB Localized Policy Manual **Update 114**

**Brownsville ISD**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
FD	(LEGAL)	Replace policy	Revised policy
FDC	(LEGAL)	Replace policy	Revised policy
<b>FDE</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
FEB	(LEGAL)	Replace policy	Revised policy
FED	(LEGAL)	Replace policy	Revised policy
<b>FFAA</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
FFAC	(LEGAL)	Replace policy	Revised policy
FFAD	(LEGAL)	Replace policy	Revised policy
FFAF	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
<b>FFB</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
FFBA	(LEGAL)	ADD policy	See explanatory note
<b>FFBA</b>	<b>(LOCAL)</b>	<b>ADD policy</b>	<b>See explanatory note</b>
FFE	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
<b>FL</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
<b>FL</b>	<b>(REGULATION)</b>	<b>Review regulation/exhibit</b>	<b>Revise as necessary</b>
FM	(LEGAL)	Replace policy	Revised policy
FNCC	(LEGAL)	Replace policy	Revised policy
FNCE	(LEGAL)	Replace policy	Revised policy
FNCG	(LEGAL)	Replace policy	Revised policy
FNG	(LEGAL)	Replace policy	Revised policy
FO	(LEGAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
FOB	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOCA	(LEGAL)	Replace policy	Revised policy
FOD	(LEGAL)	Replace policy	Revised policy
FODA	(LEGAL)	Replace policy	Revised policy
GA	(LEGAL)	Replace policy	Revised policy
GB	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GBAA	(LEGAL)	Replace policy	Revised policy
<b>GBAA</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>

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<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
<b>GBAA</b>	<b>(REGULATION)</b>	<b>Review regulation</b>	<b>Revise as necessary</b>
GKA	(LEGAL)	Replace policy	Revised policy
<b>GKA</b>	<b>(LOCAL)</b>	<b>Replace policy</b>	<b>Revised policy</b>
GNB	(LEGAL)	Replace policy	Revised policy
GRAA	(LEGAL)	Replace policy	Revised policy
<b>GRAA</b>	<b>(EXHIBIT)</b>	<b>DELETE exhibit</b>	<b>See explanatory note</b>
GRB	(LEGAL)	Replace policy	Revised policy
GRC	(LEGAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 114

### Brownsville ISD

#### ATTN(NOTE)

#### GENERAL INFORMATION ABOUT THIS UPDATE

##### Please note:

Changes at Update 114 are based almost exclusively on legislation from the 86th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

For more information about the bills mentioned below and other changes from the 86th Legislative Session, download the free *2019 Legislative Summary for TASB Members* PDF at <https://store.tasb.org/legislative-summary-for-tasb-members-pdf/>.

An overview video of the local policy changes is available under Policy Manual Update Resources in the myTASB Policy Service Resource Library at <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

#### AF(LEGAL)

#### INNOVATION DISTRICTS

Revisions from HB 3 explain that the commissioner may revoke district of innovation status for the district's failure to comply with TEA's employment registry or criminal history background requirements.

#### AG(LEGAL)

#### HOME-RULE DISTRICTS

Minor revisions to the list of Education Code requirements that apply to home-rule districts are from HB 3. The bill also provides that it is a material violation of a home-rule district's charter if the district fails to comply with TEA's employment registry or criminal history background requirements.

#### AIB(LEGAL)

#### ACCOUNTABILITY: PERFORMANCE REPORTING

HB 3 requires the annual performance report to include progress on early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans.

Provisions on the high school allotment performance review have been repealed.

#### AIC(LEGAL)

#### ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

The commissioner may authorize a district to enter into a memorandum of understanding with an institution of higher education to improve district performance (HB 4170).

Campus interventions and sanctions were affected by:

- HB 4170, which revised the duties of the campus intervention team; and
- HB 4205, which revised provisions on repurposing of a campus and clarified that commissioner decisions on campus turnaround are final and not subject to appeal.

Monitoring reviews and random on-site investigations may be conducted to ensure qualification of funding in accordance with HB 3.

SB 11 permits the commissioner to appoint a conservator for the district if TEA receives notice from the Texas School Safety Center of a district's failure to submit a multihazard emergency operations plan.

# Explanatory Notes

## TASB Localized Policy Manual Update 114

### **Brownsville ISD**

#### **B(LEGAL) LOCAL GOVERNANCE**

The B Section table of contents has been revised to delete BDAF, the content of which has been moved to CCG.

#### **BAA(LEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES**

New board duties include adoption of a cybersecurity policy (SB 820); development of early childhood literacy and mathematics proficiency plans (HB 3); development of college, career, and military readiness plans (HB 3); and completion of an efficiency audit before holding an election seeking voter approval to adopt a maintenance and operations tax rate. Adjustments to the board's discretionary powers and duties include reference to the use of the board evaluation tool developed by the commissioner and deletion of a provision that is not located in Chapter 11 of the Education Code.

#### **BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS**

SB 2283 clarifies that a person convicted of a felony is ineligible to serve on a school board.

HB 831 clarifies the factors for a court to consider when determining whether a candidate has satisfied continuous residency requirements after a temporary absence.

#### **BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS**

Legislation affected several provisions on conducting elections:

- HB 1241 requires additional detail in notices of polling place locations;
- HB 933 clarifies posting obligations and notice to the county clerk and voter registrar;
- HB 1067 provides guidance on ballot adjustments in the event of a candidate's death;
- HB 1888 repeals the exception to the use of county election precincts in May elections if certain circumstances are met;
- HBs 1048 and 1888 affect early voting, including designation of early voting polling places in November elections and the use of temporary branch polling places; and
- HB 1850 addresses posting of information from branch daily registers and early voting rosters.

#### **BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES**

The order of candidate names on the ballot of a runoff election or election to resolve a tie is specified by HB 88.

#### **BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION**

HB 403 requires trustees to complete, every two years, one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

#### **BBFA(LEGAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES**

This policy has been updated to better reflect statute.

#### **BBI(LEGAL) BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

SB 944 requires a current or former trustee who maintains public information on a privately owned device to forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period.

# Explanatory Notes

## TASB Localized Policy Manual Update 114

### **Brownsville ISD**

#### **BDAE(LEGAL)                      OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF DEPOSITORY**

Depository contracts and bonds no longer have to be filed with TEA per SB 1376.

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

Provisions on tax officials as revised by SB 2, effective January 1, 2020, have been moved to CCG. BDAF is no longer an active code.

#### **BE(LEGAL)                      BOARD MEETINGS**

SB 494 reduces the posting requirement for emergency meetings from two hours to one hour, with conforming changes for notice to the media, and provides examples of what constitutes an emergency or urgent public necessity required for an emergency meeting.

SB 1640 adds provisions on prohibited series of communications among trustees to address what are commonly called "walking quorums." The bill also revises the definition of "deliberation."

#### **BED(LEGAL)                      BOARD MEETINGS: PUBLIC PARTICIPATION**

HB 2840 significantly revises public comment requirements at board meetings:

- Public comment on agenda items is required at all meetings, including special meetings and workshops;
- A board must allow each individual who wishes to address the board on an agenda item to do so before or during the board's consideration of the item;
- A board may adopt reasonable rules, including rules that limit the total time an individual is allowed to speak, with additional time for certain types of translation services; and
- A board may not prohibit public criticism of the board, including criticism of any act, omission, policy, procedure, program, or service.

#### **BED(LOCAL)                      BOARD MEETINGS: PUBLIC PARTICIPATION**

The recommended revisions to this local policy are to incorporate the new requirements for public comment from HB 2840 (see above). This recommended policy provides that the board will allow public comment only on agenda items at all board meetings, as requested by your district, and that public comment will occur at the beginning of the meeting. The provisions on procedures and meeting management are intended to provide the board's presiding officer flexibility in implementing the new requirements and include:

- A requirement for individuals to sign up for public comment before the meeting begins and to indicate which agenda item they wish to address;
- A recommended time limit of three minutes per individual per meeting, a change requested by your district; and
- Broad authority for the presiding officer to make adjustments to the board's public comment procedures, such as adjusting when public comment will occur (it must occur before or during the relevant agenda item), reordering or continuing agenda items to a later meeting, expanding opportunities for public comment, or establishing an overall time limit and shortening the time allotted to each speaker to no less than one minute.



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In addition, the policy includes a reminder that in accordance with law, a board may only respond with specific factual information or recitation of policy in response to inquiries about subjects not on the agenda.

Please contact the district's policy consultant if the board wishes to:

- Allow public comment on both agenda items and subjects not on the agenda;
- Revise the time individuals are permitted to speak at each meeting; or
- Make other adjustments to this policy.

For further guidance on HB 2840, please see TASB Legal Services' *House Bill 2840–Public Comment and Testimony at Board Meetings*, available on TASB School Law eSource at <https://www.tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/hb2840-public-comment-and-testimony-at-board-meetings.pdf/>, and see the *TASB Regulations Resource Manual* for sample board procedures and an audience participation signup sheet.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

### **BED(EXHIBIT) BOARD MEETINGS: PUBLIC PARTICIPATION**

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

### **BJCB(LLEGAL) SUPERINTENDENT: PROFESSIONAL DEVELOPMENT**

Superintendents must receive at least two and a half hours of continuing education every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children (HB 403).

### **BJCD(LLEGAL) SUPERINTENDENT: EVALUATION**

Details on the disclosure requirements for evaluations, as revised by SB 1230, have been moved to GBA. Other changes are to better match statutory wording.

### **BQ(LLEGAL) PLANNING AND DECISION-MAKING PROCESS**

The required content of the district improvement plan has been amended by several bills:

- SB 11 requires inclusion of the district's trauma-informed care policy.
- SB 1707 requires inclusion of the law enforcement duties of various types of security personnel.
- HB 111 requires inclusion of the district's policy on sexual abuse, sex trafficking, and other maltreatment of children. (Sex trafficking was added to this existing requirement.)

### **BR(LLEGAL) REPORTS**

This legally referenced policy on reports is being deleted, as the content is already included in other relevant policy codes.

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### **Brownsville ISD**

#### **C(LLEGAL) BUSINESS AND SUPPORT SERVICES**

The C Section table of contents has been revised to separate the legal content on security personnel into four codes:

- CKE includes general provisions applicable to the various types of district security personnel.
- CKEA includes provisions on commissioned peace officers.
- CKEB includes provisions on school marshals.
- CKEC includes provisions on school resource officers.

Local policies on these topics will remain at CKE with appropriate cross-references to relevant legal provisions.

The CQ series has been revised to add:

- CQB on cybersecurity; and
- CQC on equipment.

#### **CBA(LLEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE**

As a result of HB 3, this policy has been updated with a high-level overview of state funding, including the requirement to submit certain information through PEIMS for funding determinations.

HB 3 moves foundation school program funding provisions from Education Code Chapter 42 to Chapter 48.

#### **CCA(LLEGAL) LOCAL REVENUE SOURCES: BOND ISSUES**

Several bills affect this legally referenced policy on bonds.

- SB 11 permits debt issuance for purchasing and retrofitting buses and school vehicles for safety and security purposes.
- HB 440 addresses limitations on bond issuance and provides guidance on use of unspent bond proceeds.
- HB 477 adjusts the information required to be included in bond election orders.
- HBs 3 and 477 and SB 30 address language for bond propositions and ballot contents.
- HB 477 requires a district to prepare voter information about proposed bond issuance.

#### **CCG(LLEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES**

The revisions to this legally referenced policy on ad valorem taxes are based on HB 3 and SB 2, which significantly revise the ad valorem taxation process for school districts.

TEA has published videos explaining the HB 3 tax rate changes and other financial provisions, available at [https://tea.texas.gov/About\\_TEA/Government\\_Relations\\_and\\_Legal/Government\\_Relations/House\\_Bill\\_3](https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3).

Information from the Texas comptroller on changes from SB 2, effective January 1, 2020, is available at <https://comptroller.texas.gov/taxes/property-tax/legal-resource.php>. Provisions on tax officials as revised by SB 2 have been moved to this code from BDAF.

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### **Brownsville ISD**

#### **CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS**

Provisions on ad valorem exemptions and payments are revised as follows:

- HB 1313 extends under certain conditions the residence homestead exemption to the surviving spouse of an individual who was disabled;
- SB 2, effective January 1, 2020, addresses exemptions for historical structures or archeological sites; and
- Additional detail has been added on split payments, which permit a taxpayer to pay taxes (without discount) in two installments.

**Please confirm that the district's CCGA(LOCAL) accurately reflects whether the district permits split payments.**

#### **CCH(LEGAL) LOCAL REVENUE SOURCES: APPRAISAL DISTRICT**

SB 2, effective January 1, 2020, revises appraisal district procedures. The bill:

- Adds a prohibition on employing an individual who is an officer or employee of a taxing unit that participates in the appraisal district; and
- Adjusts eligibility to serve on an appraisal district board for prior property appraisers or owner representatives.

#### **CDA(LEGAL) OTHER REVENUES: INVESTMENTS**

HB 293 creates an exception to the ongoing investment training requirements for school district financial officers in limited circumstances.

HB 2706 modifies investment provisions on bond proceeds, fully collateralized repurchase agreements, and commercial paper. The bill modifies the requirements for a public funds investment pool that uses amortized cost.

#### **CDA(LOCAL) OTHER REVENUES: INVESTMENTS**

There are several recommended revisions to this local policy on investments.

HB 2706 allows investment of bond proceeds or pledged revenue only to the extent permitted by the Public Funds Investment Act and in accordance with relevant statutory provisions and the district's local investment policy. Based on these new provisions, the policy revisions authorize investment of bond proceeds and pledged revenue to the extent allowed by law but clarify that bond proceeds may not be invested in no-load mutual funds.

Governmental Accounting Standards Board (GASB) Statement No. 84 revised terminology from "agency" funds to "custodial" funds to avoid confusion, prompting a conforming change to this policy. TEA's To The Administrator Addressed Letter, GASB Statement No. 84, Fiduciary Activities, issued on May 23, 2019, provides additional information about GASB 84 and is available at [https://tea.texas.gov/About\\_TEA/News\\_and\\_Multimedia/Correspondence/TAA\\_Letters/GASB\\_Statement\\_No\\_84\\_Fiduciary\\_Activities/](https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/GASB_Statement_No_84_Fiduciary_Activities/).

Finally, the provision requiring an annual comprehensive report to the board in addition to the quarterly reports required by law is recommended for deletion. Districts may continue to provide annual portfolio reports to the board, but no local policy is required if the district chooses to do so.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

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**Please note:** We have retained the district's locally developed provisions in this policy. We recommend adding provisions regarding an annual review of this investment policy and strategy and an annual compliance audit of investment practices.

#### **CE(LLEGAL) ANNUAL OPERATING BUDGET**

HB 1495 requires budget itemization regarding expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action.

SB 2, effective January 1, 2020, requires a district to post various tax rate and budget information on the district's website in a format prescribed by the comptroller.

#### **CFC(LLEGAL) ACCOUNTING: AUDITS**

A district must post on its website certain information, including the district's most recent financial audit, as required by SB 2, effective January 1, 2020.

#### **CFEA(LLEGAL) PAYROLL PROCEDURES: SALARY DEDUCTIONS AND REDUCTIONS**

The definition of "eligible qualified investment product" is revised by HB 2820. The change permits 403(b) products to be offered by a company that is eligible to offer the product under law. TRS no longer has oversight.

#### **CH(LLEGAL) PURCHASING AND ACQUISITION**

The prohibition on contracting with a company that boycotts Israel is revised by HB 793, which clarifies that the prohibition does not apply to a sole proprietorship and revises the contracts subject to the prohibition.

Certain district contracts must include provisions requiring the contracting entity to preserve contracting information and provide that information on request of the district. These provisions are from SB 943.

HB 1495 and SB 65 revise the requirements regarding contracts subject to the disclosure of interested parties to include contracts for services that require a person to register as a lobbyist.

Interior design services must be procured under the Professional Services Procurement Act per HB 2868.

HB 2826 adds provisions on contingent fee contracts for legal services.

Districts with fewer than 10,000 students are exempted by SB 1376 from Texas Commission on Environmental Quality provisions requiring a purchasing preference for recycled products.

Other new provisions on contracts address entertainment event contracts (HB 81) and taxpayer resource transactions (SB 22).

#### **CK(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT**

Revisions from SB 11 include:

- Adjustments to the responsibilities, membership, and meeting requirements for the school safety and security committee; and
- Additional provisions on the safety and security audit, including consequences for failing to meet the reporting requirements.

#### **CKC(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS**

Several revisions are based on SB 11, which:

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### **Brownsville ISD**

- Adds required notice to parents of bomb or terroristic threats at any district facility where students are present;
- Adds to the content of emergency operations plans (EOP); and
- Addresses a district's failure to submit its EOP for review by the Texas School Safety Center (TxSSC) or to correct plan deficiencies identified by the TxSSC.

HB 2195 requires EOPs to include provisions on responding to active shooter emergencies.

### **CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS**

Recommended revisions are to comply with new requirements for the district's emergency operations plan (EOP) to include "policies" on responding to an active shooter (HB 2195) and access to campus buildings and materials necessary for a substitute teacher to carry out his or her duties during an emergency or emergency drill (SB 11). The policy text affirms that the district's procedures on these topics will be included in the EOP.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

### **CKD(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY MEDICAL EQUIPMENT AND PROCEDURES**

Districts must develop a traumatic injury response protocol no later than January 1, 2020, in accordance with HB 496. The protocol must provide bleeding control stations, require training for security personnel and all other district personnel who may be reasonably expected to use a bleeding control station, and offer similar training to students enrolled at the campus in grade 7 or higher.

Sample administrative procedures on this issue are included in the *TASB Regulations Resource Manual*.

### **CKE(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL**

As mentioned above, CKE includes general provisions applicable to the various types of district security personnel. Legislative revisions include:

- Clarification that the board determines the law enforcement duties of security personnel, which must be included in the listed district publications and documents and cannot include routine student discipline, school administrative tasks, or contact with students unrelated to the law enforcement duties (SB 1707); and
- Clarification of training requirements (HB 2195 and SB 11).

### **CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL**

Recommended revisions are to address SB 1707, which prohibits district peace officers from being assigned routine student discipline or school administrative tasks. An affirmative statement to this effect has been added at Police Authority, along with a few other revisions to that section of the policy.

Your current policy outlines the duties of the district's police officers (see Police Authority) and meets the requirement in SB 1707 for the board to determine the law enforcement duties of security personnel. These duties should also be included in the district improvement plan, the student code of conduct, any memorandums of understanding, and other relevant publications.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

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### **Brownsville ISD**

**Please note:** If, based on a district of innovation plan, your district is exempt from the statutory requirement to have a district improvement plan, the district should include the law enforcement duties of security personnel in an equivalent district-level planning document.

#### **CKEA(LLEGAL)                      SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS**

Legal provisions specifically addressing commissioned peace officers have been moved from CKE to this new code. Legislative changes include the optional provision for a law enforcement agency to have an unassigned epinephrine auto-injector program (SB 1827). Other changes are to include the relevant statutory cite in place of the list of duties for peace officers and to revise wording to better reflect statute.

#### **CKEB(LLEGAL)                      SECURITY PERSONNEL: SCHOOL MARSHALS**

Legal provisions specifically addressing school marshals have been moved from CKE to this new code and revised to reflect HB 1387, including:

- Clarification of the board's authority to appoint one or more school marshals for each campus; and
- Deletion of the previous cap on the number of school marshals a board may appoint.

Other changes are to better reflect statute.

#### **CKEC(LLEGAL)                      SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS**

Legal provisions specifically addressing school resource officers have been moved from CKE to this new code.

#### **CL(LLEGAL)                              BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT**

SB 668 excludes school districts from provisions that require energy usage reports and repeals the requirement that districts purchase certain energy efficient light bulbs.

Districts with fewer than 10,000 students are exempted by SB 1376 from recycling programs required by the Texas Commission on Environmental Quality (TCEQ). In addition, the TCEQ may exempt a district for which compliance would constitute a hardship.

#### **CMD(LLEGAL)                              EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING**

Legislative changes on instructional materials include:

- Revised references to "instructional materials and technology" throughout (HB 4170);
- Clarification of permitted expenditures using the instructional materials allotment (HB 396); and
- Removal of the annual June 1 deadline for a district to make an online requisition for instructional materials (SB 668).

#### **CNA(LLEGAL)                              TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION**

HB 3 affected several student transportation provisions, including:

- Modifying the transportation allotment to be based on a rate per mile per regular eligible student and revising the definition of "regular eligible student" to include a student who is homeless;
- Revising provisions on the cost of transporting CTE students from a campus to the work-based learning site; and

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- Providing reimbursement on a per-mile basis for transporting a dual credit student to specific locations for a course not available at the student's campus.

### **CNC(LEGAL)                      TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY**

HB 771 clarifies the use of wireless communication devices on buses.

### **CPC(LEGAL)                      OFFICE MANAGEMENT: RECORDS MANAGEMENT**

Revisions to records management provisions are from HB 1962 and include:

- Clarification of the duties of the district and the records management officer;
- Deletion of TSLAC's obligations to approve, disapprove, accept, or reject various district filings; and
- Revision of the standards for destruction of records.

### **CQ(LEGAL)                      TECHNOLOGY RESOURCES**

Technology provisions have been split into discrete codes:

- CQ continues to address general technology issues;
- CQA continues to address websites;
- CQB is a new code addressing cybersecurity and federal provisions on access to electronic communications; and
- CQC is a new code addressing equipment.

### **CQ(LOCAL)                      TECHNOLOGY RESOURCES**

Provisions on security breaches have been moved to CQB(LOCAL), where the corresponding legal authority is now coded.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee throughout.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

**Please note:** We have retained the district's locally developed provisions, dating from 2015, regarding connecting personal technology devices to the district's wireless and wired networks.

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

HB 305 requires most districts to post online the district's contact information; trustee information; election date, location, and filing information; and meeting notices and minutes.

HB 963 requires online posting of the name, email address, and beginning and end dates of terms of office for each trustee.

Other new online posting requirements are for:

- Certain early voting (HB 1850) and bond election items (HBs 440 and 477);
- Efficiency audits before an election to approve a tax rate (HB 3);
- Tax rate and budget information (SB 2, effective January 1, 2020);





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#### **CV(LEGAL) FACILITIES CONSTRUCTION**

HB 985 prohibits a school district from considering whether a bidder on a public work contract has an agreement with a collective bargaining organization relating to the project.

New provisions have been added regarding use of proceeds from construction defect litigation (HB 1734) and construction liability claims (HB 1999).

Provisions on contract requirements that are included in CH have been deleted and replaced with a cross-reference to that code.

#### **D(LEGAL) PERSONNEL**

The D Section table of contents has been revised to add DHC, addressing reports to TEA of misconduct by noncertified employees.

#### **DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY**

SB 37 prohibits a district that issues a license from taking disciplinary action against a person who has defaulted on a student loan.

Additional detail has been added regarding the existing state law prohibition on age discrimination.

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

HB 3 amended several provisions on criminal history. The bill:

- Clarifies that districts of innovation (DOI) are subject to Education Code provisions relating to criminal history records and may have their DOI status terminated for failing to provide requested information to TEA.
- Expands the criminal history for which a district must refuse to hire an applicant to include deferred adjudication community supervision for an offense requiring registration as a sex offender or conviction of a Title 5 felony if the victim was a minor.

#### **DC(LEGAL) EMPLOYMENT PRACTICES**

Several bills affect this legally referenced policy on employment practices:

- HB 3 requires a district to refuse to hire a person listed on TEA's registry of persons who are not eligible to be employed in public schools and those under investigation.
- SB 2073 allows a district anticipating fewer than 180 days of instruction to reduce proportionally the minimum days of service for an educator to below 187 days. A reduction in days of service does not reduce salary.
- SB 1230 adds obtaining employment at a private school to the prohibition on assisting a person in obtaining employment if the person previously engaged in misconduct with a minor.

TEA has published a video explaining the HB 3 do-not-hire registry, available at [https://tea.texas.gov/About\\_TEA/Government\\_Relations\\_and\\_Legal/Government\\_Relations/House\\_Bill\\_3](https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3).

#### **DEA(LEGAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN**

A new provision has been added from HB 3 triggering compensation increases when the basic allotment increases from the prior year.

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#### **DEAA(LEGAL)                      COMPENSATION PLAN: INCENTIVES AND STIPENDS**

HB 3 adds a local optional teacher designation system under which the district may receive an allotment for teachers designated as master, exemplary, or recognized. Master teacher grant programs have been deleted in accordance with SB 1376.

New requirements for optional mentor teacher programs are from HB 3.

**Please note:** Districts that choose to provide incentives to teachers who complete autism training must adopt a policy in accordance with HB 3. Contact the district's policy consultant for appropriate language if your district decides to pursue this option.

#### **DEB(LEGAL)                      COMPENSATION AND BENEFITS: FRINGE BENEFITS**

HB 872 revises the information a district must provide to the Employees Retirement System when a peace officer is killed in the line of duty.

Note that SB 2, effective January 1, 2020, prohibits the board from decreasing the total compensation of a first responder, including a peace officer, employed by the district in the fiscal year beginning in 2020. This provision is not reflected in policy due to its temporary effect.

#### **DEC(LEGAL)                      COMPENSATION AND BENEFITS: LEAVES AND ABSENCES**

Some provisions on jury duty have been moved to DG(LEGAL).

#### **DF(LEGAL)                      TERMINATION OF EMPLOYMENT**

HB 3 expands the criminal history for which a district must discharge an employee to include deferred adjudication community supervision for an offense requiring registration as a sex offender or conviction of a Title 5 felony if the victim was a minor.

HB 3 requires a district to discharge a person listed on TEA's registry of persons who are not eligible to be employed in public schools and those under investigation.

#### **DFFA(LOCAL)                      REDUCTION IN FORCE: FINANCIAL EXIGENCY**

The recommended revision to this local policy on financial exigency was prompted by HB 3. The bill moved provisions from Education Code Chapter 42 to Chapter 48 and affected existing text on furloughs, which has been deleted, as the cross-reference provides sufficient guidance to the relevant legal authority.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee throughout.

#### **DG(LEGAL)                      EMPLOYEE RIGHTS AND PRIVILEGES**

Several bills affect this legally referenced policy on employee rights and privileges:

- HB 621 amends the prohibition on employer retaliation against a professional for a good faith report of child abuse or neglect to include defined adverse employment actions.
- HB 4310 prohibits a district from penalizing a teacher who does not follow the scope and sequence for a required curriculum subject if the teacher determines that students need more or less time to demonstrate proficiency in the TEKS.
- SB 370 and HB 504 prohibit certain negative actions against an employee who serves as a juror or grand juror.

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#### **DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT**

In accordance with SB 944, a current or former district employee who maintains public information on a privately owned device must forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period.

HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a school parking area, provided the item is not in plain view.

#### **DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT**

Because HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a school parking area, provided the item is not in plain view, language requiring firearms to be unloaded has been deleted. No other revisions have been made to this local policy.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

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

HB 3 clarifies that reports to SBEC of educator misconduct may be filed through the new SBEC internet portal.

SB 1476 creates an exception to a superintendent's obligation to report educator misconduct to SBEC if, before the educator's termination or resignation, the superintendent completes an investigation and determines the educator did not engage in the alleged misconduct specified in law.

#### **DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY**

As reflected in this new policy, HB 3 establishes a procedure for reporting noncertified employee misconduct to TEA that mirrors required reporting of certified employee misconduct to SBEC.

#### **DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

New staff development is required in the areas of:

- Prevention techniques for and recognition of sex trafficking of children (HB 111);
- Implementation of trauma-informed care (SB 11);
- Test administration procedures (Administrative Code rules, effective April 23, 2019);
- Cybersecurity (HB 3834);
- Early literacy through attending teacher literacy academies (HB 3);
- Concussion training for school nurses on the concussion oversight team (HB 961); and
- Seizure recognition and related first aid for school nurses and certain other district employees (HB 684).

SB 1376 makes the UIL responsible for conducting extracurricular activity safety training.

#### **DNA(LEGAL) PERFORMANCE APPRAISAL: EVALUATION OF TEACHERS**

Several bills affect this legally referenced policy on teacher evaluation:

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- HB 3 clarifies that an appraisal must be done at least once *for* each school year rather than *during* each school year.
- SB 1451 provides that a district may not assign a teacher a deficiency solely on the basis of disciplinary referrals done for discretionary removal from the classroom.
- Details on the disclosure requirements for evaluations as revised by SB 1230 have been moved to GBA.

Other changes are to better match statute.

### **DNB(LLEGAL) PERFORMANCE APPRAISAL: EVALUATION OF CAMPUS ADMINISTRATORS**

Details on the disclosure requirements for evaluations as revised by SB 1230 have been moved to GBA. Other changes are to better match statute.

### **DP(LLEGAL) PERSONNEL POSITIONS**

A principal is required by HB 3 to notify the superintendent within seven business days after the date of a noncertified employee's termination or resignation following allegations of certain conduct.

### **EA(LLEGAL) INSTRUCTIONAL GOALS AND OBJECTIVES**

Board-adopted early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans are required by HB 3.

### **EB(LLEGAL) SCHOOL YEAR**

If a district requires each educator to attend an approved school safety training course, SB 11 requires the commissioner to provide for a waiver, allowing for fewer required minutes of instruction.

### **EC(LLEGAL) SCHOOL DAY**

A funding provision for prekindergarten grant programs repealed by HB 3 has been deleted.

### **EEB(LLEGAL) INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE**

Based on HB 3, references to the High-Quality Prekindergarten Grant Program have been removed, as it is no longer a grant program.

### **EEM(LLEGAL) INSTRUCTIONAL ARRANGEMENTS: JUVENILE RESIDENTIAL FACILITIES**

Funding provisions for students the district serves in a juvenile residential facility have been revised by HB 3.

### **EF(LLEGAL) INSTRUCTIONAL RESOURCES**

A district must provide printed versions of relevant electronic instructional materials for a student who does not have reliable access to technology at home (HB 391). The district is not required to purchase print editions of these materials for this purpose.

### **EHAA(LLEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

Several bills affect this legally referenced policy on required instruction:

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- SB 11 revises the health curriculum to include various mental health topics and requires the SBOE to adopt rules for districts to incorporate digital citizenship into their curriculum.
- When adopting a scope and sequence for a required curriculum subject, a district must ensure sufficient time is provided for teaching the TEKS (HB 4310).
- The duties of the School Health Advisory Committee (SHAC) were expanded by SB 435 and SB 11 to include the topics of suicide, opioid and other substance abuse, and other mental health items.
- SB 1376 repeals the requirement for districts to distribute TEA information on steroids, but districts are still required to notify students of the prohibition on nonmedical use of steroids by posting information, as explained at FNCF.
- HB 1026 requires a district to adopt a character education program.

### **EHAB(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ELEMENTARY)**

Kindergarten through third grade reading program requirements have been added from HB 3. The bill requires the use of a phonics curriculum and integration of reading instruments to diagnose reading development and comprehension.

### **EHAC(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)**

A district may allow concurrent enrollment in Algebra I and geometry (SB 1374).

### **EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION**

SB 1376 repeals the Education Code provision that required a district that entered into a shared services arrangement to receive commissioner approval for the arrangement.

### **EBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT**

SB 1376 repeals the Education Code provision that required a district that entered into a shared services arrangement to receive commissioner approval for the arrangement.

### **EBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS**

Provisions on surrogate parents were revised by HB 1709.

### **EBBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

Changes from HB 3 require a district to adopt a policy regarding the use of funds to support the district's gifted and talented (GT) program. The bill also requires a district to certify each year to the commissioner that the district's GT program is consistent with the state GT plan and report to the commissioner on the use of funds for the district's GT program.

### **EBBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

This local policy on gifted and talented (GT) services has been updated based on HB 3 and the newly adopted *Texas State Plan for the Education of Gifted/Talented Students*, available at [https://tea.texas.gov/academics/special\\_student\\_populations/gifted\\_and\\_talented\\_education/gifted\\_talented\\_education/](https://tea.texas.gov/academics/special_student_populations/gifted_and_talented_education/gifted_talented_education/).

HB 3 requires a district to adopt a policy regarding the use of funds to support the district's GT program. The bill also requires a district to annually certify to the commissioner that the district's GT program is

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consistent with the GT state plan and report to the commissioner on the use of funds for the district's GT program. Corresponding revisions to the local policy appear at Program Evaluation.

Other revisions to align with the state plan include:

- Deletion throughout of the references to nominating students for the GT program;
- Broader language regarding the selection committee, as there is no requirement to specify in policy whether the committee is established at the district or campus level;
- More flexible language regarding reassessments and transfer students;
- New text to incorporate the requirement to consult with parents about a student exiting the program; and
- New text to incorporate the ability of an educator to appeal final decisions of the selection committee.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

### **EHBC(LLEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES**

There were numerous legislative changes to the provisions on compensatory education.

Districts are required by HB 3 to provide TEA each student's residential census block, which will be factored into the compensatory education allotment. Calculation details for the allotment have been removed.

Dropout prevention plans are due by December 1 of each year per HB 3.

The definition of a student who is at-risk of dropping out of school has been revised to address students who:

- Have been incarcerated or who have a parent or guardian who has been incarcerated within the student's lifetime (SB 1746); and
- Participate in an adult high school diploma and industry certification charter school program (HB 1051).

TEA has published a video explaining the HB 3 compensatory education changes, available at [https://tea.texas.gov/About\\_TEA/Government\\_Relations\\_and\\_Legal/Government\\_Relations/House\\_Bill\\_3](https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3).

### **EHBFB(LLEGAL) SPECIAL PROGRAMS: CAREER AND TECHNICAL EDUCATION**

Provisions on reimbursements to districts for certification examinations taken by students in career and technology have been added based on HB 3.

TEA has published a video explaining the HB 3 changes on exam reimbursements, available at [https://tea.texas.gov/About\\_TEA/Government\\_Relations\\_and\\_Legal/Government\\_Relations/House\\_Bill\\_3](https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3).

### **EHBG(LLEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN**

SB 1679 provides that an eligible three-year-old prekindergarten student remains eligible for enrollment in the following year.

Other changes to prekindergarten programs are from HB 3. Among other changes, if a district operates a prekindergarten program for eligible children who are at least four years of age, the district must provide full-day prekindergarten that meets high-quality prekindergarten program standards (absent an exemption). For children under four years of age, a district still has the option to operate prekindergarten on a

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half-day basis or offer full-day prekindergarten with local funding or on a tuition basis. In addition, a program for children who are at least four years of age must comply with the High Quality Prekindergarten Program standards.

TEA has published a video explaining the HB 3 prekindergarten changes, available at [https://tea.texas.gov/About\\_TEA/Government\\_Relations\\_and\\_Legal/Government\\_Relations/House\\_Bill\\_3](https://tea.texas.gov/About_TEA/Government_Relations_and_Legal/Government_Relations/House_Bill_3).

### **EHBK(LLEGAL) SPECIAL PROGRAMS: OTHER INSTRUCTIONAL INITIATIVES**

Two mandatory recognition events have been added: Texas Girls in STEM Day is on March 1 (HB 3435), and Holocaust Remembrance Week will be on a date designated by the governor (SB 1828).

Provisions on character education are now mandatory, not optional, and have been moved to EHAA (HB 1026).

### **EHDD(LLEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT**

The requirements for dual credit program agreements with institutions of higher education were modified by HB 3650 and SB 1276.

### **EIC(LLEGAL) ACADEMIC ACHIEVEMENT: CLASS RANKING**

HB 539 addresses the issue that districts with very small graduating classes do not create a top ten percent for purposes of the automatic college admissions law. This bill requires Texas public universities to admit valedictorians who meet the requirements in law.

### **EIF(LLEGAL) ACADEMIC ACHIEVEMENT: GRADUATION**

SB 213 extends expiration dates from September 1, 2019, to September 1, 2023, for provisions on individual graduation committees and provisions authorizing districts to award a high school diploma to eligible students who entered grade 9 before the 2011–12 school year and have not performed satisfactorily on the relevant exit-level test.

On request of the parent, districts must issue a high school diploma posthumously to each student who dies while enrolled in the district in accordance with HB 638. The diploma may not be issued before the school year in which the student was expected to graduate.

SB 232 requires districts to inform parents of a high school student that the student is not required to complete Algebra II to graduate, but that not completing the course may have negative consequences for automatic college admission and for certain financial aid. The notice must be by regular mail or email.

HB 678 allows a student to satisfy one of the two required credits in languages other than English by successfully completing an elementary school course in American Sign Language.

Provisions on endorsements for students in special education were revised by HB 165.

### **EK(LLEGAL) TESTING PROGRAMS**

HB 3 amends the tests that high school students may take in grade 11 or 12 at state cost to include the Texas Success Initiative.

Revised Administrative Code rules effective July 22, 2019, clarify current law limiting administration of locally required assessments designed to prepare students for state assessments. The revised rule explains what constitutes an assessment instrument designed to prepare students for state-administered assessment instruments.

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#### **EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT**

HB 3906 prompted changes regarding the use of technology in state assessments for mathematics and administration of assessments in kindergarten and prekindergarten.

Administrative Code rules amended effective April 23, 2019, significantly revised the provisions on test security and confidentiality.

Other revisions are to better reflect statute.

#### **EL(LEGAL) CAMPUS OR PROGRAM CHARTERS**

HB 3 provides that a charter campus or program must comply with the listed Education Code provisions regarding the duty to discharge or refuse to hire certain employees or applicants.

#### **F(LEGAL) STUDENTS**

A new policy, FFBA on trauma-informed care, has been added to the F section table of contents.

#### **FB(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY**

This legally referenced policy on equal educational opportunity has been updated to include a provision from SB 1978 that prohibits a district from taking any adverse action against a person based on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. Other changes are to better match statutory wording.

#### **FD(LEGAL) ADMISSIONS**

Several bills affected student admissions:

- SB 668 clarifies the definition of students who are homeless.
- A new provision from HB 2526 provides that a person is eligible for admission if the person and either parent reside in a residence homestead on property any part of which is located in the district.
- HB 1597 adds proof of eligibility provisions for a person whose parent is in the armed services and the parent provides a military order for a transfer to a military installation in or adjacent to the district's attendance zone. Proof of residency in the district's attendance zone must then be provided within ten days of the arrival date in the military order.
- Provisions on the foundation school program were affected by HBs 3 and 1051.

#### **FDC(LEGAL) ADMISSIONS: HOMELESS STUDENTS**

Throughout, terminology has been changed from "homeless students" to "students who are homeless" in accordance with SB 668.

#### **FDE(LOCAL) ADMISSIONS: SCHOOL SAFETY TRANSFERS**

Recommended changes to this local policy on school safety transfers are based on revisions to the TEA *Unsafe School Choice Option (USCO) Guidance Handbook* (available at [https://tea.texas.gov/Finance\\_and\\_Grants/Grants/Applying\\_for\\_a\\_Grant/Unsafe\\_School\\_Choice\\_Option](https://tea.texas.gov/Finance_and_Grants/Grants/Applying_for_a_Grant/Unsafe_School_Choice_Option)), which amended the list of violent criminal offenses for which a student is eligible for a transfer to another school within the district. See also the August 22, 2019, To the Administrator Addressed letter on ESSA Unsafe School Choice Option LEA Requirements, available at <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/essa-unsafe-school-choice-option-lea>.



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#### FEB(LLEGAL)

#### ATTENDANCE: ATTENDANCE ACCOUNTING

HB 3 allows, rather than requires as under existing law, the commissioner to adjust ADA of a district located in an area declared a disaster by the governor if the district experiences a decline in ADA that is reasonably attributable to the disaster.

#### FED(LLEGAL)

#### ATTENDANCE: ATTENDANCE ENFORCEMENT

Provisions on funding of the position of juvenile case manager have been updated based on SB 346. Other changes add existing statutory text.

#### FFAA(LOCAL)

#### WELLNESS AND HEALTH SERVICES: PHYSICAL EXAMINATIONS

Recommended revisions to this local policy on physical examinations are to address a new UIL rule requiring students who are participating in marching band to receive a pre-participation physical in accordance with the schedule established by the UIL. The policy revisions broaden current language to accommodate future changes to UIL rules and also allow the superintendent to designate other extracurricular programs for which the district will require physicals.

Further information on the new UIL rule is available at [https://www.uiltexas.org/files/music/Marching\\_Band\\_Physical\\_Exam\\_FAQ.pdf](https://www.uiltexas.org/files/music/Marching_Band_Physical_Exam_FAQ.pdf).

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

**Please note:** We have retained the district's locally developed provisions regarding tuberculosis screening.

#### FFAC(LLEGAL)

#### WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Several legislative changes have been incorporated, including:

- A prohibition on a district regulating the sale, distribution or possession of dextromethorphan (certain cold medicine) (HB 1518);
- Deletion of the requirement for a district to notify the commissioner following administration of an unassigned epinephrine auto-injector (SB 668); and
- New provisions permitting a district to adopt and implement a policy authorizing a school nurse to maintain and administer unassigned asthma medication (HB 2243). **Please note:** Contact the district's policy consultant for appropriate policy text if the district wishes to pursue this option. Sample administrative provisions are available in the *TASB Regulations Resource Manual*.

Also added is an existing statutory provision prohibiting a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by the Texas Compassionate Use Act in the Health and Safety Code.

#### FFAD(LLEGAL)

#### WELLNESS AND HEALTH SERVICES: COMMUNICABLE DISEASES

The Department of State Health Services rather than TEA must now prescribe the procedures for districts to use when distributing information on bacterial meningitis (HB 3884).

#### FFAF(LLEGAL)

#### WELLNESS AND HEALTH SERVICES: CARE PLANS

SB 869 requires a district's policy on food allergies to be consistent with the Texas Department of State Health Services' *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis*. The bill requires the board to post a summary of the *Guidelines* on the district's website and include information

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### **Brownsville ISD**

on how to obtain the full document. Likewise, forms addressing food allergies must include information about the *Guidelines*. Relevant materials in the *TASB Regulations Resource Manual* have been updated.

Provisions on seizure management and treatment plans are from HB 684 and allow a parent to submit a seizure management plan to the district to address health-care services the student may receive at school or school activities.

### **FFB(LEGAL)                      STUDENT WELFARE: CRISIS INTERVENTION**

SB 11 includes provisions on the threat assessment and safe and supportive school team that districts must establish to serve each campus and the process the teams will use in evaluating individuals and students who make threats of violence or exhibit harmful, threatening, or violent behavior. The teams must receive training and report specific information to TEA. The board must adopt a policy addressing specific elements.

SB 11 also permits districts to provide parents relevant information on various mental health topics.

### **FFB(LOCAL)                      STUDENT WELFARE: CRISIS INTERVENTION**

This local policy is recommended to completely replace your existing policy in order to address SB 11, which requires boards to adopt policy and procedures regarding threat assessment and safe and supportive teams. The district's policies and procedures must be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC). TASB collaborated with the TxSSC to develop this policy, which addresses the following elements:

- Delegation to the superintendent to ensure that a team is established to serve each campus;
- Appointment of team members by the superintendent, as required by law;
- Training requirements for the team;
- Authorization for any member of the team or a district employee to act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly;
- Development of procedures as recommended by the TxSSC;
- A high-level outline of the threat assessment process, including specific actions required by the team in various circumstances;
- Mental health referrals by the team;
- The requirement for the team to provide guidance to students and district employees on recognizing and reporting behavior of concern; and
- Required reports to TEA.

The TxSSC advises that district procedures need to be individualized to fit each district's unique circumstances. To assist in developing procedures, the TxSSC website has numerous resources, including a *Behavioral Threat Assessment and Management for Educators and Administrators Toolkit* at <https://txssc.txstate.edu/tools/tam-toolkit/>.

### **FFBA(LEGAL)                      CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

SB 11 requires boards to adopt and implement a policy on the implementation of trauma-informed care practices in each school environment. The policy must also address:

- Increasing staff and parent awareness of trauma-informed care, including required training for educators;
- Implementation of trauma-informed practices and care by district and campus staff; and

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- Available counseling options for students affected by trauma or grief.

Districts must report to TEA on compliance with the training provisions.

#### **FFBA(LOCAL)                      CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

This new policy is recommended to address SB 11, which requires a policy on trauma-informed care. The details of the district's trauma-informed care program must be included in the district improvement plan.

The policy makes reference to the elements required to be addressed in the district's program:

- Increasing staff and parent awareness of trauma-informed care, including required training for educators; and
- Available counseling options for students affected by trauma or grief.

The policy also affirms that the district shall report to TEA on compliance with the training provisions.

**Please note:** If, based on a district of innovation plan, your district is exempt from the statutory requirement to have a district improvement plan, the district should include its trauma-informed care program in an equivalent district-level planning document.

#### **FFE(LEGAL)                      STUDENT WELFARE: STUDENT ASSISTANCE PROGRAMS/COUNSELING**

This legally referenced policy on student assistance programs has been updated to include existing legal provisions on consent for services provided by a licensed specialist in school psychology.

#### **FFG(LEGAL)                      STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

The district improvement plan and any informational handbook provided to students and parents must include the district's policy on addressing sexual abuse, sex trafficking, and other maltreatment of children (HB 111). Please note that the post-legislative supplement to the *TASB Model Student Handbook* includes provisions and resources to address these topics. The district should include any other details in the district improvement plan and communicate the district's practices and procedures to employees, parents, and students.

HB 621 prohibits a district from taking any adverse employment action against a professional who makes a good faith report of abuse or neglect.

#### **FL(LOCAL)                      STUDENT RECORDS**

To assist with implementing the district's safe and supportive school program as required by SB 11, a recommended revision at Access by School Officials clarifies that a person appointed to a team that supports the safe and supportive school program is considered a "school official" who may access student records if the person has a legitimate educational interest in the records.

Please note that because BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees, we have removed language referring to the superintendent's designee.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

**Please note:** We have retained all of the district's locally developed provisions.

#### **FL(REGULATION)                      STUDENT RECORDS**

Our records indicate that you have both a regulation and an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

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- If either document is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

### **FM(LEGAL)                      STUDENT ACTIVITIES**

Legislation affected several provisions on student activities:

- Certain safety training will be provided by the UIL rather than districts (SB 1376).
- A school nurse may be a member of the district's concussion oversight team and is authorized to remove an affected student from practices or competition (HB 961).
- A district must provide information about sudden cardiac arrest and electrocardiogram testing to a student who is required by UIL to submit a physical examination certification (HB 76).

Administrative Code rules amended effective May 1, 2019, permit a district to allow a student who is ineligible to participate in an extracurricular activity and who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation to perform with the ensemble during the UIL evaluation performance only.

### **FNCC(LEGAL)                      STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING**

SB 38 amends the Education Code definition of hazing.

### **FNCE(LEGAL)                      STUDENT CONDUCT: PERSONAL TELECOMMUNICATIONS/ELECTRONIC DEVICES**

A district must allow a student to use a graphing calculator application on an electronic device when the student is enrolled in a course that requires the use of a graphing calculator, unless the district provides students the use of one at no cost (HB 3906).

### **FNCG(LEGAL)                      STUDENT CONDUCT: WEAPONS**

Provisions on clubs and knuckles were revised based on HB 446, which removes clubs from the Penal Code offense regarding unlawfully carrying a weapon outside of one's premises or vehicle. The bill also removes knuckles from the list of prohibited weapons in Penal Code 46.05.

### **FNG(LEGAL)                      STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

Unless limited by a court order, a parent appointed as a conservator of a child always has the right to attend school activities, including school lunches, performances, and field trips (HB 3145).

### **FO(LEGAL)                      STUDENT DISCIPLINE**

Several general discipline provisions were affected by legislation:

- A student's status as homeless or in the conservatorship of DFPS was added to the list of mitigating factors the district must consider in making certain disciplinary decisions (HB 811).
- The law enforcement duties of various security personnel must be included in the Student Code of Conduct (SB 1707).
- District websites must include contact information for the campus behavior coordinator or other relevant administrator (SB 1306).

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- Districts must provide foundation curriculum coursework to students assigned to in-school or out-of-school suspension using one option that does not require the use of the internet (HB 3012).
- Aversive techniques listed in the policy that are intended to reduce the likelihood of a behavior recurring by intentionally inflicting significant physical or emotional discomfort or pain may not be used with students (HB 3630 and SB 712).
- A district may not discipline a teacher on the basis of documentation the teacher submitted regarding a student's violation of the student code of conduct (SB 1451).
- Information regarding out-of-school suspensions must be reported to TEA (HB 65).

#### **FOA(LLEGAL)                      STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER**

SB 1451 clarifies that students sent to the campus behavior coordinator's or other administrator's office under a routine referral or a discretionary removal are not considered to have been removed from the classroom for purposes of reporting data through PEIMS or other similar reports required by state or federal law.

#### **FOB(LLEGAL)                      STUDENT DISCIPLINE: OUT-OF-SCHOOL SUSPENSION**

A district may not place in out-of-school suspension a student who is homeless unless the student engages in certain conduct (HB 692).

#### **FOC(LLEGAL)                      STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING**

DAEP placement is required if a student engages in certain forms of harassment against an employee (SB 2432).

In determining whether there is a reasonable belief that a student engaged in felony conduct, a superintendent may not consider additional information requested by the district from law enforcement for the purpose of creating a threat assessment or safety plan (HB 2135).

For clarity, additional details from statute have been added regarding terms of removal.

#### **FOCA(LLEGAL)                      PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS**

HB 2184 creates mandatory procedures and notice requirements for a student's transition to the regular classroom from an alternative education program, as defined by the bill.

Documents in the *TASB Regulations Resource Manual* have been updated to address HB 2184.

#### **FOD(LLEGAL)                      STUDENT DISCIPLINE: EXPULSION**

An existing statutory provision addressing appeals of expulsion decisions has been added.

#### **FODA(LLEGAL)                      EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM**

HB 3012 permits court-ordered placement in a JJAEP for terroristic threats.

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#### **GA(LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES**

A provision has been added from SB 1978 that prohibits a district from taking any adverse action (as defined in the policy) against a person based on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

#### **GB(LEGAL) PUBLIC INFORMATION PROGRAM**

In accordance with SB 944, a current or former district officer or employee who maintains public information on a privately owned device must forward or transfer the information to the district or preserve the public information in its original form in a backup or archive and on the device for the relevant retention period. An employee may be disciplined for failure to comply.

#### **GBA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION**

Provisions on public information have been revised, including those addressing release of:

- Certain contracting information (SB 943);
- Evaluations (SB 1230);
- Information regarding the location or physical layout of certain shelter centers (HB 3091);
- Protected health information and out-of-state health-care provider information (SB 944);
- Information on applicants for disaster recovery funds (HB 3175);
- Information that would provide an advantage to competitors or bidders (SB 943);
- Expenditures for parades, concerts, or other entertainment events (HB 81); and
- Certain commercial, financial, and proprietary information (SB 943).

#### **GBAA(LEGAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION**

Legislation affected multiple provisions on requests for information, including:

- Duties of the officer for public information (SB 944);
- Methods for requesting information (SB 944);
- Requests for contracting information not maintained by the district (SB 943);
- Requests for an attorney general decision (SBs 943 and 944); and
- Temporary suspension of the Public Information Act by the board of a district currently impacted by a catastrophe (SB 494).

Other revisions are to better reflect statutory wording.

#### **GBAA(LOCAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION**

As mentioned above, SB 494 permits the board of a district impacted by a catastrophe to temporarily suspend the Public Information Act. Recommended local policy text delegates to the superintendent the authority to approve the initial suspension period of up to seven consecutive days and provide the required notices to the attorney general and public. If an extension of the initial suspension period is needed, the law requires the board to determine that it is still impacted by the catastrophe, so the local policy text requires the board to approve an extension.

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The form to provide notice of any suspensions to the attorney general is available at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice>.

#### **GBAA(REGULATION) INFORMATION ACCESS: REQUESTS FOR INFORMATION**

Our records indicate that you have a regulation at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this regulation is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

#### **GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

HB 1552 clarifies who is a retired law enforcement officer for Penal Code 46.03, which prohibits weapons in certain places.

Districts may no longer regulate the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view (HB 1143).

HB 1791 broadens existing provisions that limit a district from providing unauthorized notice that handguns are prohibited.

#### **GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

Because HB 1143 prohibits a district from regulating the manner in which a handgun, firearm, or ammunition is stored in a locked vehicle in a district parking area, provided the item is not in plain view, we have deleted language requiring firearms to be unloaded. No other revisions have been made to this local policy.

The *Legal Issues in Update 114* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### **GNB(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: REGIONAL EDUCATION SERVICE CENTERS**

HB 3 revises the core services that education service centers are required to provide to include training and assistance regarding instruction in personal financial literacy, gifted and talented programs, and programs that qualify for a funding allotment.

#### **GRAA(LEGAL) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES**

Information about arrests of students provided to districts from law enforcement agencies must include sufficient information for the district to determine whether it is necessary to conduct a threat assessment or prepare a safety plan for the student (SB 2135). In addition, a superintendent may request information for the purpose of conducting a threat assessment or preparing a safety plan.

#### **GRAA(EXHIBIT) STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES**

This exhibit has been deleted, as the list of offenses principals must report to local law enforcement authorities is included in GRAA(LEGAL).

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**GRB(LLEGAL)**

**RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL  
COOPERATION CONTRACTS**

When a district provides educational services to a student who resides in a state hospital, HB 2210 specifies the elements of the memorandum of understanding between the hospital and district.

**GRC(LLEGAL)**

**RELATIONS WITH GOVERNMENTAL ENTITIES: EMERGENCY  
MANAGEMENT**

Provisions on emergency management training have been deleted as they are not applicable to school districts.



**Limit on  
Participation**

Audience participation at a Board meeting is limited to the portion of the meeting designated to receive public comment in accordance with this policy. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

**Public Comment**

At all Board meetings, public comment shall be limited to items on the agenda posted with notice of the meeting.

Procedures

Individuals who wish to participate during the portion of the meeting designated for public comment shall sign up with the presiding officer or designee before the meeting begins as specified in the Board's procedures on public comment and shall indicate the agenda item on which they wish to address the Board.

Public comment shall occur at the beginning of the meeting.

Except as permitted by this policy and the Board's procedures on public comment, an individual's comments to the Board shall not exceed three minutes per meeting.

Meeting  
Management

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the presiding officer may make adjustments to public comment procedures, including adjusting when public comment will occur during the meeting, reordering agenda items, continuing agenda items to a later meeting, providing expanded opportunity for public comment, or establishing an overall time limit for public comment and adjusting the time allotted to each speaker. However, no individual shall be given less than one minute to make comments.

Board's Response

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

**Complaints and  
Concerns**

The presiding officer or designee shall determine whether an individual addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the individual shall be referred to the appropriate policy to seek resolution:

- Employee complaints: DGBA
- Student or parent complaints: FNG
- Public complaints: GF

**Disruption**

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her

Brownsville ISD  
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BOARD MEETINGS  
PUBLIC PARTICIPATION

BED  
(LOCAL)

words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.



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**Note:** The enclosed exhibits are administrative documents under the authority of the Superintendent and are intended to assist with the implementation of policy BED.

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## **Exhibit A—Board of Trustees Regular Meeting Public Audience Sign-In Sheet**

If you wish to address the Board of Trustees during the public audience portion of today's meeting, please print your name below.

According to District policy BED(LOCAL), only those persons (on this list) who request to speak shall be heard. The speaker shall limit remarks to five minutes. The Board shall allot no more than 30 minutes for the public audience portion of the meeting.

Complaints and concerns for which other resolution channels are provided shall be directed through those channels. These complaints include complaints on the following subjects: employee complaints, student or parent complaints, and public complaints.

If the Board President determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate policy for attempted resolution before bringing the matter to the Board.

Complaints against specific employees or officers of the District shall be heard in closed session, as authorized by the Texas Open Meetings Act.

You must make your points on issues in a constructive and courteous fashion pursuant to *Robert's Rules of Order*.

	<b>Name</b>	<b>Subject to be Discussed</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

## **Exhibit B—Board Meeting Open Forum Procedure Presiding Officer**

The next item on our agenda is the public comment period. This is the time for citizens, staff, or students to provide their comments to the Board. Statements and questions from the audience will not be permitted during other portions of the meetings, so please let us hear from you now if you have comments to present.

To have your comments heard tonight, your name and the subject matter of your comments must appear on the sign-in sheet, which is located in the rear of the meeting room.

Each speaker will be limited to five minutes to complete his or her comments. With all due courtesy, I will strictly enforce that time limit.

If a group of people want to be heard on the same topic, the Board asks that they designate a spokesperson to avoid needless repetition. The Board has adopted rules to preclude the abuse of open forum by, for example, anyone uselessly repeating the same comment or complaint meeting after meeting.

Complaints and concerns for which other resolution channels are provided shall be directed through those channels. These complaints include complaints on the following subjects: employee complaints, student or parent complaints, and public complaints.

Remember that the Board may not discuss or act upon any issues that are not posted on its agenda for tonight's meeting. If an issue mentioned is listed on tonight's agenda, the Board will defer discussion of the issue until the appropriate time during the meeting.

In addition, the Board has adopted complaint policies that are designed to secure, at the lowest administrative level, a prompt and equitable resolution of complaints and concerns.

Complaints brought by students or their parents may be heard in accordance with policies FNG(LEGAL) and (LOCAL); by employees, in accordance with policies DGBA(LEGAL) and (LOCAL); and by citizens, in accordance with policy GF(LOCAL).

Each of these processes provides that, if a resolution cannot be achieved administratively, the person may appeal the administrative decision to the Board as a properly posted agenda item.

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**Note:** This text is based on provisions found in policy BED(LOCAL).

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The Board's purpose for entering into closed session to hear employee complaints is to protect you from potential liability for publicly making slanderous or defamatory statements that affect the professional or personal reputation of a District employee or officer. Hearing complaints in closed session also protects the privacy rights of the individual about whom you are complaining. Exceptions to this procedure will be made only if the employee or officer against whom the complaint is made requests that the complaint be made in open session.

**General Comments Portion of the Meeting  
Presiding Officer**

With those cautions in mind, we will now be glad to hear the general comments.

*[Name]*, you are first. Remember you have five minutes to present your comments.

**Investment Authority**

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. The investment officer shall be bonded or shall be covered under a fidelity insurance policy. All investment transactions except investment pool funds and mutual funds shall be executed on a delivery versus payment basis.

**Approved  
Investment  
Instruments**

From those investments authorized by law and described further in CDA(LEGAL), the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. Banker's acceptances as permitted by Government Code 2256.012.
5. Commercial paper as permitted by Government Code 2256.013.
6. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds, as permitted by Government Code 2256.014.
7. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
8. Public funds investment pools as permitted by Government Code 2256.016 and 2256.019.

**Safety and  
Investment  
Management**

The main goal of the investment program is to ensure its safety and maximize financial returns within current market conditions in accordance with this policy. The investment officer shall observe financial market indicators, study financial trends, and utilize available educational tools in order to maintain appropriate investment managerial expertise. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance



of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

**Liquidity and Maturity**

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed three years from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

**Diversity**

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

**Monitoring Market Prices**

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant declines in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisors, and representatives/advisors of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

**Monitoring Rating Changes**

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

**Funds / Strategies**

Investments of the following fund categories shall be consistent with this policy and in accordance with the strategy defined below.

Operating Funds

Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Custodial Funds

Investment strategies for custodial funds shall have as their objectives safety, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Debt Service Funds

Investment strategies for debt service funds shall have as their objective sufficient investment liquidity to timely meet debt service

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.

Capital Projects

Investment strategies for capital project funds shall have as their objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.

Special Revenue  
Funds

Investment strategies for special revenue funds shall have as their primary objectives safety, investment liquidity and maturity sufficient to meet anticipated cash flow requirements.

**Safekeeping and  
Custody**

The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.

**Sellers of  
Investments**

Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA).

**Soliciting Bids for  
CDs**

In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.

**Interest Rate Risk**

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

**Internal Controls**

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.

3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

**Annual Review**

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

**Annual Audit**

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

**Emergency  
Operations Plan**

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency; and
3. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.



**District Police  
Department**

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory  
Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
8. Carry out all other duties as directed by the chief of police or Superintendent.

District police officers shall not be assigned routine classroom discipline or administrative tasks.

<i>Temporary Assignment</i>	District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Nonschool Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and Superintendent.
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Video Monitoring	If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.
<i>Access to Recordings</i>	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]
Training	All District officers shall receive at least the minimum amount of education and training required by law.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.
<i>Racial Profiling</i>	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.
<i>Use of Force</i>	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
<i>High-Speed Pursuit</i>	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by

the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.

Complaints

Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. [See Complaints Against Peace Officers at CKEA(LEGAL)]

Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.





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**Note:** For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.

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For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.

**Availability of Access**

Access to the District's technology resources, including the internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

Limited Personal Use

Limited personal use of the District's technology resources shall be permitted if the use:

1. Imposes no tangible cost on the District;
2. Does not unduly burden the District's technology resources; and
3. Has no adverse effect on an employee's job performance or on a student's academic performance.

Use by Members of the Public

Access to the District's technology resources, including the internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and
2. Does not unduly burden the District's technology resources.

**Acceptable Use**

The Superintendent shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

Access to the District's technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

**Internet Safety**

The Superintendent shall develop and implement an internet safety plan to:

1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;
2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access, including hacking and other unlawful activities;
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms.

**Filtering**

Each District computer with internet access and the District's network systems shall have filtering devices or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent.

The Superintendent shall enforce the use of such filtering devices. Upon approval from the Superintendent, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.

**Personal Technology Resources**

Students, employees, and guests may connect personal technology resources to the District's guest wireless network as set forth in administrative procedures. Connecting personal technology resources to the District's wired network shall only be allowed with written permission as set forth in administrative procedures.

**Monitored Use**

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

**Disclaimer of Liability**

The District shall not be liable for users' inappropriate use of the District's technology resources, violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The District shall not be responsible for ensuring the availability of the District's technology resources or the accuracy, age appropriateness, or usability of any information found on the internet.

**Record Retention**

A District employee shall retain electronic records, whether created or maintained using the District's technology resources or using

personal technology resources, in accordance with the District's record management program. [See CPC]

**Electronically Signed Documents**

At the District's discretion, the District may make certain transactions available online, including student admissions documents, student grade and performance information, contracts for goods and services, and employment documents.

To the extent the District offers transactions electronically, the District may accept electronic signatures in accordance with this policy.

When accepting electronically signed documents or digital signatures, the District shall comply with rules adopted by the Department of Information Resources, to the extent practicable, to:

- Authenticate a digital signature for a written electronic communication sent to the District;
- Maintain all records as required by law;
- Ensure that records are created and maintained in a secure environment;
- Maintain appropriate internal controls on the use of electronic signatures;
- Implement means of confirming transactions; and
- Train staff on related procedures as necessary.



<b>Plan</b>	The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
<b>Coordinator</b>	The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.
<b>Training</b>	Each District employee and Board member shall annually complete the cybersecurity training program designated by the District. The District shall verify and report compliance with staff training requirements to the Department of Information Resources. Additionally, the District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.
<b>Security Breach Notifications</b>	<p>Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none"><li>1. Written notice.</li><li>2. Email, if the District has email addresses for the affected persons.</li><li>3. Conspicuous posting on the District's websites.</li><li>4. Publication through broadcast media.</li></ol> <p>The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.</p>



**Plan to Reduce  
Personnel Costs**

If the Superintendent determines that there is a need to reduce personnel costs, the Superintendent shall develop, in consultation with the Board as necessary, a plan for reducing costs that may include one or more of the following:

- Salary reductions [see DEA];
- Furloughs [see DEA];
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the commissioner [see CEA and provisions at Reduction in Force Due to Financial Exigency, below];
- Reductions in force of contract personnel due to program change [see DFFB]; or
- Other means of reducing personnel costs.

A plan to reduce personnel costs may include the reduction of personnel employed pursuant to employment arrangements not covered at Applicability, below.

- See DCD for the termination at any time of at-will employment.
- See DFAB for the termination of a probationary contract at the end of the contract period.
- See DFCA for the termination of a continuing contract, if applicable.
- See DCE for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code.

**Reduction in Force  
Due to Financial  
Exigency**

Applicability

The following provisions shall apply when a reduction in force due to financial exigency requires:

1. The nonrenewal or termination of a term contract;
2. The termination of a probationary contract during the contract period; or
3. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

**Definitions**

Definitions used in this policy are as follows:

1. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.



2. "Discharge" shall mean termination of a contract during the contract period.

**General Grounds**

A reduction in force may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency. [See CEA] A determination of financial exigency constitutes sufficient reason for nonrenewal or sufficient cause for discharge.

**Employment Areas**

When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.
6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other District-wide programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:

1. Combined or adjusted (e.g., "elementary programs" and "compensatory education programs" can be combined to identify an employment area of "elementary compensatory education programs"); and/or

2. Applied on a District-wide or campus-wide basis (e.g., “the counseling program at [named elementary campus]”).

The Board shall determine the employment areas to be affected.

**Criteria for Decision**

The Superintendent shall apply the following criteria to the employees within an affected employment area when a reduction in force will not result in the nonrenewal or discharge of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by the most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA] and any other written evaluative information, including disciplinary information, from the last 36 months. If the Superintendent at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.
3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee’s most recent date of hire.

Superintendent  
Recommendation

The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.

Board Vote

After considering the Superintendent’s recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.

If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).

If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].

Notice

The Superintendent shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:

1. The proposed action, as applicable;
2. A statement of the reason for the proposed action; and
3. Notice that the employee is entitled to a hearing of the type determined by the Board.

**Consideration for  
Available Positions**

An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.

If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:

1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.
2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.

**Hearing Request**

Nonrenewal: Term  
Contract

An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

Discharge: Chapter  
21 Contract

An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.

Discharge:  
Non-Chapter 21  
Contract

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

**Final Action**

Hearing Requested

If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

No Hearing  
Requested

If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.



**General Guidelines**

Employees shall be courteous to one another and the public, working together in a cooperative spirit to serve the best interests of the District. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Employee Responsibilities**

Every employee shall be responsible for:

1. Arriving at work on time every day and following attendance procedures;
2. Satisfactorily completing the duties as specified by the job description and/or contract, if any;
3. Relating to colleagues and supervisors with respect, courtesy, and in a professional manner;
4. Spending the workday on work-related activities to the exclusion of personal business;
5. Dressing in a manner that is appropriate for the job assignment, that reflects positively on the District, and that includes the use of all issued safety equipment;
6. Recognizing that employment with the District is not guaranteed, but is dependent on employee performance, budget, and need;
7. Following the established rules of behavior for the District and society in general as defined by local, state, and federal laws;
8. Conducting their duties in a safe manner, following the District's general safety policies and department rules regarding proper use of approved safety equipment and apparel; and
9. Following the directives of the supervisor.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

**Violations of Standards of Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

**Weapons Prohibited**

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action; [See CKE]
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Personal  
Telecommunication  
Devices

*Definition*

A personal, non-District, or unauthorized telecommunications device is a piece of equipment that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor and is not issued or authorized by the District as required for the normal discharge of the employee's duties.

*Use*

An employee shall not interrupt the performance of his or her duties, or leave the classroom or other work site, to answer, respond to, or use a personal, non-District, or unauthorized telecommunications device. The use of personal telecommunications devices shall not interfere with the employee's fulfillment of assigned duties. In the interest of safety, no District employee shall use a personal, non-District, or unauthorized telecommunications device while driving a District vehicle or a personal vehicle while on District business. [See CNB and CNC]

Reporting Improper  
Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.



EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
<b>Outside Activities</b>	An employee shall conduct his or her outside activities and affairs in a manner that does not adversely affect the employee's professional status or daily performance of instructional duties.
<b>Profanity</b>	When dealing with staff and students, an employee shall not use profane language nor engage in obscene conversations on the job.
<b>Reports of Misconduct</b>	The Board encourages employees and others connected with the District to bring forward reports in the form of complaints, comments, and suggestions in order to maintain effective and efficient operations, free from disruptions that detract from the District's main objective of educating children.
<b>Workplace Bullying</b>	<p>The District considers workplace bullying to be unacceptable and shall not tolerate it under any circumstances.</p> <p>Workplace bullying shall be defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs in the workplace that:</p> <ol style="list-style-type: none"><li>1. Has the effect or will have the effect of physically harming another employee, damaging the employee's property, or placing the employee in reasonable fear of harm to the employee's person or of damage to the employee's property;</li><li>2. Is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive work environment for the employee;</li><li>3. Exploits an imbalance of power between the employee perpetrator and the employee victim through written or verbal expression or physical conduct; or</li><li>4. Interferes with the victim's employment or substantially disrupts the operation of the work location.</li></ol> <p>Workplace bullying shall not include the legitimate exercise of employee management, including task assignment, employee coaching, and work-related employee discipline.</p>
<b>Disruptive Activity</b>	A staff member who instigates or otherwise incites disruptive activity involving staff or students on school property or at a school event shall be subject to disciplinary action by the Superintendent and the Board.
<b>Safety Requirements</b>	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

EMPLOYEE STANDARDS OF CONDUCT

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(LOCAL)

**Harassment or Abuse**

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

**Relationships with Students**

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

**Tobacco and E-Cigarettes**

An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

**Alcohol and Drugs / Notice of Drug-Free Workplace**

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

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4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

An employee who tests positive for prohibited drugs and/or alcohol shall be subject to termination, except when an employee voluntarily admits to alcohol or illegal drug use and commences counseling or rehabilitation prior to an event that leads to the initiation of any alcohol or drug testing. Such an employee must thereafter refrain from using alcohol and/or illegal drugs.

**Unauthorized  
Persons on District  
Premises**

A District employee shall not bring his or her own relative, personal aide, or hired helper to assist the employee in the performance of duties on District premises or at school-sponsored activities without prior approval from the principal/work location supervisor and/or Human Resources Department.

<b>Money Lending</b>	The District prohibits loans made by one employee to another with the intent of collecting interest.
<b>Annual Criminal History Record Check</b>	An annual criminal background check shall be conducted on all active personnel who do not have electronic fingerprints on file with the Texas Department of Public Safety.
Review Committee	A review committee will assess the records of employees found to have criminal records that may bar them from continued employment in the District.
<b>Responsibility to Report Charges</b>	<p>An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:</p> <ol style="list-style-type: none"><li>1. Crimes involving school property or funds;</li><li>2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;</li><li>3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or</li><li>4. Crimes involving moral turpitude, which include:<ul style="list-style-type: none"><li>• Dishonesty; fraud; deceit; theft; misrepresentation;</li><li>• Deliberate violence;</li><li>• Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;</li><li>• Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;</li><li>• Felony driving while intoxicated (DWI); or</li><li>• Acts constituting abuse or neglect under the Texas Family Code.</li></ul></li></ol>
Reassignment Pending Final Disposition	An employee shall be subject to being temporarily reassigned when the District becomes aware of any pending charge, previous conviction, or deferred adjudication. The decision to reassign an employee shall be made by the appropriate direct report to the Superintendent or designee.

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

Determination Upon  
Final Disposition

A determination regarding what action, if any, to take shall be made after the final disposition of the pending charge(s) or, in the case of a conviction or deferred adjudication, after a recommendation is made to the Administrator in charge, Human Resources (HR), by the criminal history review committee. In the case of an employee, final disposition of pending charges means a conviction, deferred adjudication, or dismissal of the charges. An employee's completion of probation or other sentencing is not required for a final disposition by the District.

**Dress and Grooming**

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with the following standards of dress and hygiene:

1. An employee shall dress in neat clean clothing in good state of repair and appropriate for the assignment and safety of the job.
2. Good personal hygiene shall be expected of each employee, including well-groomed, neatly trimmed hair. Men are allowed to wear a neatly trimmed mustache or beard.

Additional standards shall be established by supervisors and approved by the Superintendent.

<b>Referral</b>	Students may be referred for the gifted and talented program at any time by teachers, counselors, parents, or other interested persons.
Screening and Identification Process	<p>The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.</p> <p>The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the assessment procedures and services for the program prior to beginning the screening and identification process.</p>
Parental Consent	The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.
<b>Identification Criteria</b>	The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.
<b>Assessments</b>	Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.
<b>Selection</b>	A selection committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.
<b>Notification</b>	The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

<b>Reassessment</b>	If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.
<b>Transfer Students</b>	When a student identified as gifted by a previous school district enrolls in the District, the selection committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.
Interdistrict	[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]
Intradistrict	A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.
<b>Furloughs</b>	The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.  In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.
<b>Exit Provisions</b>	The District shall monitor student performance in response to gifted and talented program services. If at any time the selection committee or a parent determines it is in the best interest of the student to exit the program, the committee shall meet with the parent and student before finalizing an exit decision.
<b>Appeals</b>	A parent, student, or educator may appeal any final decision of the selection committee regarding selection for or exit from the gifted and talented program. Appeals shall be made first to the selection committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.
<b>Program Evaluation</b>	The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, counselors, students in the gifted and talented program, and the community.

The District's gifted and talented program shall address effective use of funds for programs and services consistent with the standards in the state plan for gifted and talented students.

The District shall annually report to the Texas Education Agency (TEA) regarding funding used to implement the District's gifted and talented program. The District shall annually certify to TEA:

1. The establishment of a gifted and talented program by the District; and
2. That the District's program is consistent with the state plan for gifted and talented students.

**Community  
Awareness**

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.





**Safe Schools Data**

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:
  - a. Attempted murder;
  - b. Indecency with a child;
  - c. Aggravated kidnapping;
  - d. Aggravated assault on someone other than a District employee or volunteer;
  - e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;
  - f. Aggravated robbery; or
  - g. Continuous sexual abuse of a young child or children.

**School Safety  
Transfers**

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

**From a Persistently  
Dangerous School**

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a  
Violent Criminal  
Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

**Additional Transfer  
Options**

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

**Tuberculosis  
Screening**

All students entering District schools for the first time in any grade shall provide evidence of having received a tuberculosis screening.

Any student who withdraws from the District for more than three weeks and subsequently resides in a foreign country shall be required to take a tuberculosis screening prior to reenrolling. Results of the tuberculosis screen shall be forwarded to the District's health services department. A tuberculosis screening is not a vaccine.

**Required Medical  
Clearance**

Prior to participating in a designated University Interscholastic League (UIL) program or other District extracurricular program identified by the Superintendent, a student shall undergo a physical examination annually and shall submit a statement from an authorized health-care provider indicating that the student has been examined and medically cleared to participate in the program.

**Additional Screening**

The District may provide additional screening as District and community resources permit.

**Referrals**

Parents of students identified through any screening programs as needing treatment or further examination shall be advised of the need and referred to appropriate health agencies.

Notice of Lice

A school nurse or administrator who discovers or becomes aware that a child enrolled in a District elementary school has lice shall provide written or electronic notice to parents within the time frames prescribed in law.



**Threat Assessment  
and Safe and  
Supportive Team**

In compliance with law, the Superintendent shall ensure that a multidisciplinary threat assessment and safe and supportive team is established to serve each campus. The Superintendent shall appoint team members. The team shall be responsible for developing and implementing a safe and supportive school program at each campus served by the team and shall support the District in implementing its multi-hazard emergency operations plan.

Training

Each team shall complete training provided by an approved provider on evidence-based threat assessment programs.

Imminent Threats or  
Emergencies

A member of the team or any District employee may act immediately to prevent an imminent threat or respond to an emergency, including contacting law enforcement directly.

Threat Assessment  
Process

The District shall develop procedures as recommended by the Texas School Safety Center. In accordance with those procedures, the threat assessment and safe and supportive team shall conduct threat assessments using a process that includes:

1. Identifying individuals, based on referrals, tips, or observations, whose behavior has raised concerns due to threats of violence or exhibition of behavior that is harmful, threatening, or violent.
2. Conducting an individualized assessment based on reasonably available information to determine whether the individual poses a threat of violence or poses a risk of harm to self or others and the level of risk.
3. Implementing appropriate intervention and monitoring strategies, if the team determines an individual poses a threat of harm to self or others. These strategies may include referral of a student for a mental health assessment and escalation procedures as appropriate.

For a student or other individual the team determines poses a serious risk of violence to self or others, the team shall immediately report to the Superintendent, who shall immediately attempt to contact the student's parent or guardian. Additionally, the Superintendent shall coordinate with law enforcement authorities as necessary and take other appropriate action in accordance with the District's multihazard emergency operations plan.

For a student the team identifies as at risk of suicide, the team shall follow the District's suicide prevention program.

For a student the team identifies as having a substance abuse issue, the team shall follow the District's substance abuse program.

For a student whose conduct may constitute a violation of the District's Student Code of Conduct, the team shall make a referral to the campus behavior coordinator or other appropriate administrator to consider disciplinary action.

As appropriate, the team may refer a student:

1. To a local mental health authority or health-care provider for evaluation or treatment; or
2. For a full individualized and initial evaluation for special education services.

The team shall not provide any mental health-care services, except as permitted by law.

Guidance to School  
Community

The team shall provide guidance to students and District employees on recognizing harmful, threatening, or violent behavior that may pose a threat to another person, the campus, or the community and methods to report such behavior to the team, including through anonymous reporting.

Reports

The team shall provide reports to the Texas Education Agency as required by law.

**Trauma-Informed  
Care Program**

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

Training

The District shall provide training in trauma-informed care to District educators as required by law. The District improvement plan shall specify required training for any other District employees as applicable.

Annual Report

The District shall provide an annual report to the Texas Education Agency on the number of employees who have participated in trauma-informed care training.





STUDENT RECORDS

FL  
(LOCAL)

**Comprehensive System**

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

**Cumulative Record**

A student academic record (SAR) shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Student academic records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

**Custodian of Student Records**

The principal is custodian of all active administrative and student records. The records management officer is the custodian of inactive records for students who have withdrawn or graduated. The records management officer shall provide assistance to the custodians, as well as establish and develop policies and procedures for the District's records management program. [See CPC(LEGAL)]

Designation of  
Records Clerks

Each campus handles administrative records as well as student academic records.

The principal shall designate a records clerk to oversee the student academic records and to oversee the flow of all campus administrative records (i.e., counseling, registrar, at risk, PEIMS, and the like).

The campus records clerk shall keep a log of all outgoing inactive records and shall ensure that all campus personnel properly package, label, and store inactive records before they are sent to the Records Center for destruction. Student academic records will not be stored in the same location as campus administrative records.

**Custodian of Health Records**

The health services administrator is custodian of all health records for currently enrolled students at the assigned school and for students who have withdrawn or graduated.

**Requesting Immunization Records**

U.S. Department of Health and Human Services Privacy Rule does not require the District to share information with anyone without authorization. Department staff shall process and document routine requests and respond in a timely manner. Immunization records is-

sued by the District shall be issued in their original format and accompanied with an official seal. Former students may request records to be mailed, faxed, or e-mailed.

**Written  
Authorization**

The District shall provide an authorization form designating a former student to authorize a representative to pick up the records. (The Privacy Rule established by the Standards for Privacy of Individually Identifiable Health Information applies to any health-care entity that transmits health information in electronic form.)

**Alteration of Health  
Records**

The confidentiality of an immunization record is protected by unauthorized disclosure by the District. Alterations are considered a misrepresentation of facts. All immunization records must be maintained in their original format. [See Texas Penal Code Sec. 37-10 Tampering with a Governmental Record.]

**Corrections to  
Health Records**

If an error has been identified and can be validated, the District shall allow former students the right to request an amendment.

**Types of Education  
Records**

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
  - a. The results of any tuberculin tests required by the District.
  - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]
  - c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, school counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.

10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

#### **Access by Parents**

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requester's identity before disclosing student records containing personally identifiable information.

Student academic records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent, principal, or school counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

#### **Access by Others**

The District shall not allow access to student records by any party, including a school official, unless the party has a legitimate judicial or educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
5. A person appointed to serve on a team to support the District's safe and supportive school program.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or
5. Investigating or evaluating programs.

Each school shall maintain a written record of any party who has requested access or obtained access to a student's academic record. The written record shall document the name and authorization of the party, the specific interest specified by the party when requesting or obtaining the information, the date, information indicating whether access was permitted or denied, and an appropriate identification of the school personnel or school official(s) granting or denying access. [See FL(LEGAL)]

**Transcripts and  
Transfers of Student  
Records**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools shall rest with the parent or student, if 18 or older.

No original unduplicated student educational record shall leave the school premises, except in the event of the following:

1. Transfer of records within the District to another public school or to a proper school official.
2. The permanent student academic record folder sent to the District's records management office three years from the time the student graduates or withdraws from the school system.
3. Release of unduplicated student academic records so specified by judicial order in whole or part as provided here.

For purposes of a student's enrollment or transfer, the District shall promptly forward, in accordance with the time line provided in law, education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), Required Documentation] The District may return an education record to the school identified as the source of the record.

**Records  
Responsibility for  
Students in Special  
Education**

The director of special education shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the Special Services Building, 2467 Price Road.

The special education administrator shall be the custodian of all academic special education records for currently enrolled students at the assigned school and for students who have withdrawn or graduated. The special education records shall be maintained at the designated campus for the time of retention as stated on the District's retention schedule.

**Procedure to Amend  
Records**

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**Types of Student Educational Records**

As defined by the Family Educational Rights and Privacy Act (FERPA, C.F.R. 99.31), there are two types of student educational records—directory information and non-directory information. Each type of student educational record is subject to disclosure protections as stipulated below.

**Directory Information**

For the following school-sponsored purposes all District publications and announcements, directory information shall include: student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

**Non-Directory Information**

Non-directory information (i.e., nonpublic information) is an education record not considered directory information that must not be released to anyone without the prior written consent of the parent. Faculty and staff members can access non-directory information only if they have a legitimate academic need to do so. Non-directory information may include, but is not limited to, social security numbers, student identification numbers, race, ethnicity, nationality, gender, transcripts, assessment results, and grade reports.

**All Other Purposes**

The District shall not release student directory information for any purpose other than a school-sponsored purpose, unless required by law. [See FL(LEGAL)]

**Personally Identifiable Information**

Personally identifiable information is information contained in an education record, such as a personal identifier, characteristic, or other information that would make a student's identity easily traceable (i.e., student identification number).

**Student Educational Records**

As defined by the Family Educational Rights and Privacy Act (FERPA, C.F.R. 99.31), there are two types of student educational records: directory information and non-directory information. Each type of student educational record is subject to disclosure protections as stipulated below:0)

**Directory Information**

1. Directory information may include information such as name, address, phone number, e-mail address, and dates of attendance. [See FL(LOCAL)]

**Non-Directory Information**

2. Non-directory information (i.e., nonpublic information) is an education record not considered directory information that must not be released to anyone without the prior written consent of the parent. Faculty and staff members can access non-directory information only if they have a legitimate academic need to do so. Non-directory information may include, but is not limited to, social security numbers, student identification numbers, race, ethnicity, nationality, gender, transcripts, assessment results, and grade reports.

**Personally Identifiable Information**

3. Personally identifiable information is information contained in an education record, such as a personal identifier, characteristic, or other information that would make a student's identity easily traceable.

**Student Academic Records**

The District's State Retention Schedule identifies the student academic records (SARs) series number 3200-01a, 3200-01b as permanent. State law mandates that no hard copy records identified as permanent are allowed to be destroyed unless they have been converted into a permanent medium such as microfilm or digitally scanned.

**Permanent Records**

The hard copy or electronic student academic record is a permanent, confidential, and legal document. Because the student academic record is considered permanent, during the collection, use, transfer, or disclosure of student academic records, the District must ensure that District personnel (i.e, teachers, and the like) accurately document grades, student's full name, date of birth, place of birth, full parent's names, and the like.

**Confidentiality and Protection of Student Records**

As the campus custodian of active records, the principal will ensure that the campus records clerk preserves original data, copies of data, and all reports containing personally identifiable student information. The records must be maintained in a secure environment to prevent unauthorized access.

The District maintains and protects the confidentiality, integrity, and security of its student academic records (SARs) in accordance with existing state and federal laws. The District strictly adheres to a



federal mandate, the Family Educational Rights & Privacy Act (FERPA), which prohibits the improper disclosure of personally identifiable information derived from education records. It reinforces the right of a school district to collect and maintain data and provide limited access while protecting their confidentiality. The campus principal is responsible for assigning an academic records clerk that maintains the confidentiality, integrity, and maintenance of each student record.

**Grading and Student Privacy**

The District has a legal obligation to protect the privacy of students and the confidentiality of the student academic records. Faculty members who have teaching and advising responsibilities are responsible for ensuring that student grades being documented into the student academic record, must be cognizant of examining the student's biological information is accurately entered (i.e., correct full name, parent's full name, date of birth, place of birth, and the like).

**Teacher's Responsibility**

The teacher is responsible for documenting and ensuring all the student's legal information is accurate. The teacher will use the student's birth certificate as a guide in comparing that all biological information is reflected the same as in the student academic record (SAR). All District personnel who have access to the student academic record will be observant and diligent in identifying potential errors on the student academic record.

**Errors Identified by Staff**

Errors identified on the student academic record by District staff will be handled as follows: 0.

1. If grade information is in error, the teacher will make the necessary corrections.
2. If immunization information is in error, the campus nurse must take action to correct error.
3. The records management officer for the District will be notified to ensure all corrections and processes are followed and promptly made before any student academic record is stored as permanent. 0.

The campus records clerk overseeing the student academic record folders does not have the authority to change, modify any student information such as grades or immunizations. The campus records clerk will verify personal information is correct, and if not, then must promptly forward all discrepancies and errors to his or her administrator.

**Storage and Security**

All student academic records will be kept in restricted access areas or locked filing cabinets to protect against loss of information and damage. Because the academic record is a confidential and legal

document, the principal must ensure that only the campus records clerk will work in the records room. Principals are ultimately responsible for ensuring that student academic records are stored, accessed, and maintained safe according to state and federal legal requirements.

The filing cabinets containing student academic records will be placed in a location where they are secure from general scrutiny. [See FL(LEGAL)]

The principal or designee will protect and ensure that:

1. Records will be stored in a location where they cannot be inappropriately read, stolen, or changed;
2. Records are secure and access is limited to authorized personnel only;
3. File cabinets and the student records room have restricted access and are limited to:
  - a. One key assigned to the student records clerk; and
  - b. One key to the principal;
4. The student records office is not to be left unattended; if so, it must be locked, and a temporary sign advising length of time out will be posted;
5. Access is limited to work spaces to authorized personnel; and
6. Everyone working with student records is required to sign a confidentiality agreement [see FL(EXHIBIT)]. 0.

All District employees must protect and safeguard confidential information and use it and disclose it only as authorized or required in the course of performing job duties.

**Written  
Authorization**

The contents of the student academic record folder is intended to store academic records only. No other student-related documents may be placed in the SAR folder without written authorization from the records management office.

**Campus  
Administrative  
Records**

The principal is responsible for appointing an administrative records clerk to oversee all campus administrative records, and has final authority for ensuring records are maintained secure and ensure destruction procedures are followed on all campus administrative records.

**Records Request Log**

The District requires that all individuals, agencies, or organizations—including school personnel with a legitimate educational interest—desiring access to student records will be required to explain and sign a records request log. [See FL(LOCAL)]

**Subpoenaed Records**

Upon receiving subpoenas for student records, the campus principal or designee will present copies at the time of the court appearance and will be available to respond to any questions.

If the student has already graduated or left the District, the records management officer for the District will present copies at the time of the court appearance and will be available to respond to any questions.

The subpoena will be filed with the student academic record and will remain filed until the student graduates or withdraws from the District.

**Legal Name of Students**

Each student's permanent records will carry the legal name of the student as shown on his or her birth certificate or on the court orders authorizing a name change.

The campus principal or designee is responsible for maintaining a student's official legal name for the District. The District will ensure that the birth certificate submitted by the parent or legal guardian is an authentic and certified document signed and attested by a public official or notary. No standard copies will be accepted.

**PEIMS Administrator**

The PEIMS administrator will ensure that designated staff accurately document all the student information, name, date of birth, place of birth, parent's name, or legal guardian listed on the birth certificate, will be the same as on the student academic record.

**Name Change**

A married female student may choose to use her husband's surname. If the student chooses to change her last name, the student must provide as proof a copy of the legal document showing the name change. A marriage license is not proof of a name change.

**Enrollment**

When a student is enrolled in the District for the first time, a copy of his or her birth certificate will be maintained in the student academic record. A permanent student identification number will be assigned to each student and recorded. The student academic record folder will become the central file for all test data and grade information for the student. A separate record system will be maintained for a student referred for special education services. The District will designate a custodian of special education records.

All cumulative records will be kept in alphabetical order at their respective campuses displaying the student's name, date, and signature of the person sending and receiving the records.

<b>Enrollment During the School Year</b>	District personnel at their respective campus assigned by the principal or designee to register students during the school year will use the campus registration packet to ensure guidelines are followed.
<b>Proof of Identity</b>	<p>Texas Education Code 25.0021 states that a Texas public school student must be identified by his or her legal surname. Legal name is obtained from the birth certificate. Double last names on the birth certificate are recorded exactly as shown. The District adheres to ensuring a parent or guardian must submit a birth certificate as proof of surname.</p> <p>The parent or guardian registering a student must provide proof of identity. The parent or legal guardian must submit items such as the following containing a parent or guardian signature and a photograph: U.S. passport card; driver's license (not temporary or learner's license); Certificate of Naturalization; Certificate of Citizenship; military identification; or federal, state, or municipal government employee identification card. Temporary or altered documents are not acceptable.</p>
<b>Enrolling Out-of-District Students</b>	Student academic records received from a previous district will reside in the student academic record. Incoming transcripts from middle and high school will be recorded by the data entry clerk in the District's student database system that may include, but not be limited to, demographic information, grades, test data, and the record of copies created.
<b>Promotion</b>	Campus records staff will ensure that when students are promoted from elementary school to middle school, and subsequently high school, will promptly transfer the student academic record in a timely manner.
<b>Degree Verification</b>	The final degree verification occurs after the grades for a semester are posted. When the degree candidate's student academic record is complete and all requirements have been fulfilled, the final degree earned will be posted on the permanent student academic record.
<b>Diploma Signatures</b>	The signatures required on diplomas are those of the Board President of the Board of Trustees, Secretary of the Board of Trustees, Superintendent, and principal.
<b>Transcript Completion Date</b>	The transcript completion date must accurately reflect the actual date the student completed all requirements for high school graduation.
<b>Diploma Award Date</b>	The administrative procedure for the graduation date entered on the diploma will be the academic school year, i.e., 2016–2017.

<b>Final Record</b>	Once a student earns a degree, the record is considered final. Grade changes and enrollment adjustments will not be made unless a clerical error has occurred. No further transfer work may be posted to the record after the degree is complete.
<b>Issuing Diplomas</b>	The diploma is a symbol of the academic accomplishment. It is not a legal document. The legal document is the official transcript that lists a student's grades and graduation date. All diplomas will be distributed at the graduation ceremony. Students not attending the ceremony will pick up diplomas at the respective campus records office after one week. All diplomas not picked up will be mailed out.
<b>Letter of Certification</b>	Occasionally, students finish all their degree requirements well before the next degree conferral date. Under these circumstances, the student can request a formal letter of certification verifying that all degree requirements have been met and the expected date of degree conferral. These letters are not provided to the student directly, but to employers or admissions offices. Students who request a letter of certification from the respective campus must also provide the name, title, and address of the party to whom it will be sent.
<b>After Graduation or Withdrawal</b>	After a student graduates or withdraws from the District, the student academic record will remain at the respective campus for three years, then forwarded to the records management office.
<b>Returning Students</b>	If a student who has previously left the District returns within a three-year period, the SAR will be requested from the campus last attended. If the student returns after the three-year period, the SAR will be requested from the records management office.
<b>Out-of-District Requests</b>	The Texas Education Agency (TEA) mandates that when a student transfers to another district in Texas, the Texas Records Exchange (TREx) system must be used. TREx is a web-based software application designed by TEA to facilitate the electronic exchange of student records between Texas public school districts and Texas public colleges and universities.
<b>Requesting TREx Access</b>	Campus records clerks will fill out a TREx request form and forward it to the District's records management office. The records management office will process requests in a timely fashion. The form and additional TREx information may be downloaded on the District's records management office website.
<b>TREx Response Deadline</b>	The records management office will ensure all requests are responded to in compliance with the TREx ten-day timeline.
<b>Out-of-State Requests</b>	District staff responding to student academic record requests from school districts outside the state of Texas will document and follow the following guidelines:

1. Respond to requests within a ten-day period.
2. Request information using the District's out-of-state request form downloadable on the records management office website.
3. Academic and immunization records forwarded to an out-of-state district shall be copies.
4. District staff will keep all original academic and immunization records as permanent. 0.

**Transfers During School Year**

When a student transfers during the school year from one campus to another, the student academic record (SAR) folder will not be sent through the District's mail delivery. An authorized campus representative from the responding campus will hand-deliver the SAR to the records management office.

Both the requesting and responding campus will use the SAR request form to transfer a student's SAR. This form can be downloaded from the records management office website.

No District employees are allowed to take student academic records home. District staff who transport student academic records during working hours from one location to another must document reasons and take appropriate measures to prevent loss, restrict access, and maintain the privacy of student's personal information. Personnel must be particularly diligent in protecting records under these circumstances.

**End-of-Year Transfers**

Any end-of-year transfer of records for currently enrolled students promoted from grade 5 to grade 6 or from grade 8 to grade 9 will be hand-delivered to the campus records clerk at the respective feeder school. The SARs being transferred should be documented on the SAR active transfer list. This form can be downloaded from the records management office website.

**Time Limit**

All end-of-year transfers must be hand-delivered within one week before classes begin or one week before classes end. The campus records clerk's signature will be required on the SAR active transfer list when receiving the student academic record.

**Mileage Reimbursement**

Mileage reimbursement for campus personnel performing District job duties during District hours will be paid from the campus general fund.

**Test Data**

All test data will be documented in the appropriate spaces on the testing card.

**Inactive Records**

The records management office will notify the respective campus records clerk to submit inactive records with the required timelines.

**Special Education Records**

The special education records for students currently enrolled in the District are maintained at the campus where special education services are being delivered. Special education records will not be kept in the student academic record folder.

**Access to Special Education Records**

Access to special education records will be provided upon appropriate, written requests from legitimate individuals. District personnel must respond to appropriate requests and subpoenas for special education records, whether active or inactive, in a timely manner and in accordance with federal law and Board policy. Each school will maintain a record, kept in each student's special education eligibility folder, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's special education records. Schools are permitted to charge parents, students, and their authorized representatives [see FL(LEGAL)].

**Transferring Active Special Education Records**

The guidelines for transferring active records requested by schools, other school districts, and outside entities are as follows:

1. If the child or adult student transfers within the District, the special education eligibility folder will be transferred to the receiving campus immediately upon request.
2. If the child or adult student leaves the District due to home-schooling or transfers to another school district, the appropriate documents will be copied and forwarded to the receiving school district or other appropriate individual or entity upon notification. The parent's or guardian's signature may accompany the request but is not required. The original folder will remain at the campus for the retention period.
3. All out-of-district requests for special education students transferring within the state of Texas must use the TReX system.

**Transferring Inactive Special Education Records**

The special services department collects and maintains inactive special education student records from individual campuses. The special services administrator is the custodian of all active special education records until retention has been met. All requests for inactive records received by the school or District office personnel will be forwarded to the special services department. Upon receipt of the request, the desired records will be provided within ten business days.

**Missing or Lost Records**

In the event that a student academic record is missing or lost, the records management office must be notified. A form titled SAR Replacement Form may be downloaded from the records management office website. The form must be filled out and faxed to the

records management office. The SAR form will be returned to the respective campus and placed in the SAR folder.

**Compliance Review**

To ensure student records are accurate, not misleading, or otherwise in violation of policy to provide an opportunity for the correction and deletion of any inaccurate, misleading, or inappropriate data, the records management office will be responsible for establishing proper guidelines and procedures for the periodic performance review of personal data collected on each student. The records management office will be assigned to manage the rollout and execution of conducting a records compliance review. A compliance review helps ensure that each campus principal is in compliance with specific standards on where and how student academic records should be stored and secured and adheres to quality operational processes. A records management office staff member will analyze and collect audit data and propose corrective action. Compliance review results and recommendations will be reported on a timely basis to the principal and area superintendent.

**Disposition and  
Destruction of  
Records**

The Records Retention Schedule for the District, approved by the State Library Archives Commission and made available to all campuses, will be used by the principal or designee as a tool and guideline in determining what records are eligible for destruction.

Proper disposal care must be given to all sensitive or confidential records. The principal or designee is responsible for following approved disposal requirements for such records. All inquiries will be sent to the records management office before any disposal action begins.

No District employee has the authority to destroy District records. All sensitive records of a confidential nature will be boxed, labeled, and sent to the records management warehouse for destruction. No hard copy records identified as permanent are allowed to be destroyed unless they have been converted into a permanent medium such as microfilm or digitally scanned.

The campus or administrative office that has packaged and labeled boxes to be destroyed will use and keep a record of all records forwarded to the records management office. The record log form may be downloaded from the records management office.

**Sensitive and  
Confidential Records**

Proper documentation prior to disposal will be given to all sensitive or confidential original records. All sensitive records with confidential recorded information such as date of birth and social security numbers will be forwarded to the records management office for destruction. [See policy CL(LEGAL)] The principal or designee is responsible for following approved disposal requirements listed on the records management office website.



**Recycling Non-Sensitive Administrative Records**

The District will recycle all non-sensitive records. Recyclable records will be deposited into the recycling bins at each respective campus. Recycling bins will be picked on a biweekly basis. The recycle schedule can be located on the records management office website.



**Charging for  
Personnel Time**

As authorized by law, the District shall charge a requester for additional personnel time spent producing information for the requester after personnel of the District have collectively spent:

1. 36 hours of time during the District's fiscal year; or
2. 15 hours of time during a one-month period.

**Suspension of  
Public Information  
Act During  
Catastrophe**

In the event of a catastrophe, as defined by law, affecting the District, the Board delegates to the Superintendent the authority to suspend the applicability of Government Code Chapter 552 to the District for the period of time permitted by law and provide the required notices to the attorney general and public. The Board shall approve any extension of an initial suspension period.



**Requests for  
Information**

Public records will be made available in accordance with policy GBA. The following guidelines will apply:

1. Requests for records will be made in writing on the District form provided [see GBAA(EXHIBIT)-A].
2. The District shall indicate the disposition of the request [see GBAA(EXHIBIT)-B] and notify the person making the request of the action taken.
3. A schedule of charges will be made available to the person requesting records [see GBAA(EXHIBIT)-C].
4. Records will be made available after a statement of charges [see GBAA(EXHIBIT)-D] has been prepared. Payment will be made to the custodian of records.

A photo identification card, such as a driver's license, may be required to verify the person's identity.

Requests will be handled in the order in which they are received.

**Fees**

A schedule of charges for any requested copies of records will be made available to all persons requesting records. [See GBAA(EXHIBIT)] If the cost of copies will exceed \$40, the District will prepare a written estimate of charges and the availability of any less expensive method for viewing the information. [See GBAA(EXHIBIT)] If an estimate of charges is necessary, the copies will be made available only if the requestor responds in writing within ten days to indicate that he or she modified the request or is willing to accept the charges and still wants the copies as originally requested. Payment must be made to the officer for public records.

**Documents  
Unavailable**

In the event the requested documents are in active use or in storage and, therefore, are not available at the time the request to review documents is submitted, the Superintendent or designee shall notify the requestor in writing and set a date and hour when the requested materials will be available for inspection. If the requested documents cannot be made available within ten business days after receipt of the request, the Superintendent or designee will notify the requestor of that fact in writing and set a date and hour within a reasonable time when the information will be available.

**Designated  
Inspection Area and  
Hours**

Persons inspecting documents may do so only in a designated inspection area, with a District employee available for assistance. Documents may be inspected during regular school hours.

**Copy Limit**

The Superintendent or designee may limit the number of pages that can be copied and supplied during a person's visit if the number of copies requested is beyond the reasonable capacity of the

Brownsville ISD  
031901

INFORMATION ACCESS  
REQUESTS FOR INFORMATION

GBAA  
(REGULATION)

available personnel and machines. Copies in excess of the number available during a single visit will be made and mailed to the requestor.

**Access to District  
Property**

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

**Ejection or  
Exclusion under  
Education Code  
37.105**

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

**Off-Campus  
Activities**

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

**Prohibitions**

Tobacco and  
E-Cigarettes

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

*Exceptions*

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]





Education Code 37.015 requires principals to make reports to local law enforcement authorities of certain classes of offenses, four of which are referenced entirely by citation. The offenses referenced only by citation are further defined below.

1. "Conduct that may constitute an offense listed under Section 508.149, Government Code":
  - a. An offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure (use or exhibition of a prohibited weapon during commission of or flight from a felony offense).
  - b. A first or second degree felony under Penal Code 19.02 (murder).
  - c. A capital felony under Penal Code 19.03 (capital murder).
  - d. A first or second degree felony under Penal Code 20.04 (aggravated kidnapping).
  - e. An offense under Penal Code 21.11 (indecenty with a child).
  - f. A felony under Penal Code 22.011 (sexual assault).
  - g. A first or second degree felony under Penal Code 22.02 (aggravated assault).
  - h. A first degree felony under Penal Code 22.021 (aggravated sexual assault).
  - i. A first degree felony under Penal Code 22.04 (injury to a child, elderly individual, or disabled individual).
  - j. A first degree felony under Penal Code 28.02 (arson).
  - k. A second degree felony under Penal Code 29.02 (robbery).
  - l. A first degree felony under Penal Code 29.03 (aggravated robbery).
  - m. A first degree felony under Penal Code 30.02 (burglary).
  - n. A felony for which punishment is increased under Health and Safety Code 481.134 (drug-free zones) or 481.140 (use of child in commission of offense).
  - o. An offense under Penal Code 43.25 (sexual performance by a child).
  - p. An offense under Penal Code 21.02 (continuous sexual abuse of young child or children).
2. "Deadly conduct under Section 22.05, Penal Code":
  - a. A person commits an offense if he or she recklessly engages in conduct that places another in imminent danger of serious bodily injury.
  - b. A person commits an offense if he or she knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.

STATE AND LOCAL GOVERNMENTAL AUTHORITIES  
LAW ENFORCEMENT AGENCIES

GRAA  
(EXHIBIT)

- c. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

3. "Terroristic threat under Section 22.07, Penal Code":

A person commits an offense if he or she threatens to commit any offense involving violence to any person or property with intent to:

- a. Cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
- b. Place any person in fear of imminent serious bodily injury;
- c. Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- d. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
- e. Place the public or a substantial group of the public in fear of serious bodily injury; or
- f. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

4. "Conduct that may constitute a criminal offense under Section 71.02, Penal Code" (Engaging in Organized Criminal Activity):

A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he or she commits or conspires to commit one or more of the following:

- a. Murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;
- b. Any gambling offense punishable as a Class A misdemeanor;
- c. Promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
- d. Unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
- e. Unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;
- f. Any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

- g. Any offense under Penal Code Chapter 43, Subchapter B depicting or involving conduct by or directed toward a child younger than 18 years of age (Chapter 43, Subchapter B prohibits obscenity including: sale, distribution, or display of material harmful to minor; sexual performance by a child; employment of a child in a sexually oriented activity or a place where the child works nude or topless; and possession or promotion of child pornography);
- h. Any felony offense under Penal Code Chapter 32 (fraud);
- i. Any offense under Penal Code Chapter 34 (money laundering) or Chapter 35 (insurance fraud);
- j. Any offense under Penal Code Chapter 36 (bribery and corrupt influence);
- k. Any offense under Penal Code 37.11(a) (impersonating a public servant);
- l. Any offense under Penal Code Chapter 20A (trafficking of persons);
- m. Any offense under Penal Code 37.10 (tampering with government record);
- n. Any offense under Penal Code 38.06 (escape), 38.07 (permitting or facilitating escape), 38.09 (providing a person in custody or an inmate with an implement for escape), or 38.11 (providing prohibited or controlled substances or items to person in custody or an inmate).