

# Explanatory Notes

## TASB Localized Policy Manual Update 111

District: Scurry-Rosser ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

**Legal Services Update Memo:** New with this update, TASB Legal Services' [Legal Issues in Update 111](https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx) memo (available on myTASB at [https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal\\_issues\\_u111.aspx](https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx)) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

**References to Legislative Bills:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 85th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

AF (LEGAL) INNOVATION DISTRICTS

This legally referenced policy on innovation districts has been updated to include revised Administrative Code provisions effective January 31, 2018. These provisions address the areas of law from which an innovation district may not be exempted (see Prohibited Exemptions) and clarify a district's obligation to post the innovation plan on the district's website and, within 15 days of adoption, amendment, or renewal, provide a copy of the plan to TEA. (See Notice to TEA.)

AID (LEGAL) ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

This legally referenced policy on federal accountability standards has been revised to include additional provisions from the Every Student Succeeds Act, including the elements of the required district plan, the identification of schools for support and improvement, and the district's required actions when schools are identified for support and improvement.

BBD (LEGAL) BOARD MEMBERS  
TRAINING AND ORIENTATION

Revisions to this legally referenced policy on board member training are from revised Administrative Code rules effective June 13, 2018, which incorporate changes from SB 1566. Significant changes are as follows.

- The State Board of Education (SBOE) shall commend board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool or any other tool approved by the commissioner.
- Reporting of continuing education must occur at the last regular board meeting before an election of trustees. The minutes for that meeting must reflect whether each board member met or is deficient in the continuing education requirements and, if a trustee is deficient in training as of the anniversary of his or her joining the board, must be posted online within ten business days and until the trustee meets the requirements.
- A board member must participate in a local district orientation within one year before or 120 days after the board member's election or appointment.
- The annual team-building session must be at least three hours in length.

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- Each board member must complete a three-hour continuing education training every two years on evaluating student academic performance. This training may be completed up to one year before election and must be completed no later than 120 days after election or appointment. In the circumstances outlined in the policy, this training can also satisfy team-building training.

TASB Legal Services has published three documents that provide more detailed information about these changes:

- [Texas School Board Member Continuing Education](#) answers frequently asked questions about board member training as required by the SBOE.
- [Transitioning to New Time for Board Training Credit Announcements](#) describes new reporting requirements for board member continuing education credit.
- [Board President Announcement on Continuing Education of Board Members](#) offers board presidents instructions and a sample script for making the board's annual announcement of training credit.

### BBD (LOCAL) BOARD MEMBERS TRAINING AND ORIENTATION

As described above at BBD(LEGAL), revised Administrative Code rules incorporate board member continuing education requirements from SB 1566. The law requires the board president to announce board member continuing education status at the last regular board meeting before trustee elections. The revisions to this local policy are recommended as best practice to promote transparency and clarify that the board president will annually announce the status of each board member's continuing education at the last meeting before the district's regular uniform election date, even if an election is not scheduled or held, such as when a district does not conduct annual elections or when an election is canceled. Please contact your policy consultant for an adjustment to this policy if your district will have a different practice for announcing continuing education credit when an election is not held.

### BJC (LEGAL) SUPERINTENDENT CONTRACT

This legally referenced policy has been revised to add an existing statutory provision allowing the board to amend the terms of a superintendent's term contract on the basis of a declared financial exigency.

### BJCE (LEGAL) SUPERINTENDENT SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy on suspension or termination of a superintendent's contract has been revised to add provisions from existing rule, better match statutory wording, and delete a reference to an outdated case.

### BJCG (LEGAL) SUPERINTENDENT RESIGNATION

This legally referenced policy on superintendent resignation has been revised to better match statutory wording and to add a cross-reference to BJC, on superintendent contracts.

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### BR (LEGAL) REPORTS

Based on revised administrative rules effective June 13, 2018, we have added a reference to the required report regarding board member continuing education. (See item 7 and BBD(LEGAL), above.)

A revision from SB 1664 clarifies that a district that does not participate in TRS ActiveCare is no longer required to file its compliance report with TRS. (See item 18 and CRD(LEGAL), below.)

### CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES FINANCIAL ETHICS

A revision to this policy on fraud and financial impropriety is recommended to clarify that reports of suspected impropriety may be made to a person who has authority to investigate the alleged activity, including the other individuals listed in the policy. This revision aligns the district's policy with Education Code 37.148, which prohibits a district from adopting a policy that requires an employee to report only to certain persons or peace officers a crime witnessed at the school. (See Reports.)

### CBB (LEGAL) STATE AND FEDERAL REVENUE SOURCES FEDERAL

This legally referenced policy addressing state and federal revenue sources has been significantly reworked to provide more complete coverage of the relevant laws on retirement and insurance contributions and EDGAR and to better match statutory wording. Other relevant purchasing policies within the policy manual have been updated with cross-references to this policy for additional legal requirements applicable to purchases with federal funds.

### CDA (LEGAL) OTHER REVENUES INVESTMENTS

We have moved the definition of "business organization" within this legally referenced policy to clarify that it only applies to the provisions at Sellers of Investments, requiring a district to provide a written copy of its investment policy to any business organization offering to engage in an investment transaction with the district.

### CFA (LEGAL) ACCOUNTING FINANCIAL REPORTS AND STATEMENTS

Revisions to this legally referenced policy on financial reports and statements are to incorporate new administrative rules effective January 3, 2018. The rules expand on statutory provisions addressing the annual local debt report, including what the report must address, the comptroller-developed form for the report, and submission and posting procedures.

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CJA (LEGAL) CONTRACTED SERVICES  
CRIMINAL HISTORY

Effective November 29, 2017, Administrative Code rules addressing criminal history of service contractors were repealed, prompting revisions throughout this legally referenced policy. Other changes were to reorganize the provisions for consistency with the criminal history requirements for certain public works contractors and to add an existing statutory provision about the district's authority to obtain DPS criminal history record information.

Additional information may be found in TASB Legal Services' [Criminal History Reviews of Contractor Employees](#), which answers frequently asked questions about criminal background checks and contractor employees, including forms for contractors to certify compliance to the school district.

CJA (LOCAL) CONTRACTED SERVICES  
CRIMINAL HISTORY

As permitted by law, text at Emergencies authorizes the district employee in charge of a facility to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history review, or who has a disqualifying conviction, will be permitted to enter the facility in an emergency.

Additional information on [criminal history reviews of contractor employees](#) may be found in TASB Legal Services' eSource.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

Revisions to this legally referenced policy on security personnel include:

- The addition of a court case that provides guidance on the Government Code Chapter 614 provisions addressing complaints against district peace officers; and
- Additional detail from existing administrative rules on the school marshal program, including the option for a district to pay for the required marshal training and information on required reports to the Texas Commission on Law Enforcement (TCOLE) by the district and school marshal.

CLB (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT  
MAINTENANCE

The integrated pest management program provisions have been updated as a result of new administrative rules effective January 9, 2018. The policy revisions include new definitions, more details on the required notification to parents regarding application of pesticides, and the addition of provisions addressing Texas Department of Agriculture inspections and emergency exceptions to notice requirements.

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

This legally referenced policy on instructional materials has been revised to better reflect statutory wording.

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CNB (LEGAL) TRANSPORTATION MANAGEMENT  
DISTRICT VEHICLES

This legally referenced policy on district vehicles has been revised to better reflect statutory wording.

CO (LEGAL) FOOD SERVICES MANAGEMENT

We have removed a state law provision addressing sanctions by the Texas Department of Agriculture that no longer aligns with federal law, and we have revised text to better match statutory wording.

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

We have deleted the requirement to post on the district's website locally determined performance ratings and compliance status, as the corresponding administrative rule was repealed effective December 5, 2017. Citations have also been adjusted.

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

This legally referenced policy on health and life insurance has been significantly reworked to provide more complete coverage of the relevant laws, to include revisions based on amended administrative rules effective November 14, 2017, and to better match statutory wording.

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

Existing statutory provisions have been added regarding deferred compensation plans to include the requirement to designate a plan administrator, the plan administrator's duties, and the factors for an investment product to be classified as a qualified investment product. Changes to the Annuities—Section 403(b) definitions are a result of amended administrative rules effective December 12, 2017. Other revisions are to reorder provisions for better flow and to better match statutory wording.

CS (LEGAL) FACILITY STANDARDS

This legally referenced policy on facility standards has been significantly reworked to provide more complete coverage of the relevant laws, to include a recent attorney general opinion regarding application of the International Energy Conservation Code to public school buildings, and to better match statutory wording.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

A change at Former Employees on page 18 is from amended administrative rules effective March 4, 2018, and allows an employee to "verify" rather than "sign" the original service record, which provides districts more flexibility in how the employee can confirm the service record.

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

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not refuse to hire an applicant if the educator knew, or should have known through a criminal history review, that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Refusal to Hire Convicted Applicants, Sanctions.)

DC (LEGAL) EMPLOYMENT PRACTICES

Revisions to this legally referenced policy addressing employment of retirees are from amended administrative rules effective November 14, 2017. The changes describe additional employment relationships with retirees that are considered employment for purposes of the limits on employment after retirement and that must be reported for the first 12 full consecutive months after retirement. (See Employment of Retirees.)

DCE (LEGAL) EMPLOYMENT PRACTICES  
OTHER TYPES OF CONTRACTS

An outdated case has been deleted from this legally referenced policy.

DEA (LOCAL) COMPENSATION AND BENEFITS  
COMPENSATION PLAN

A recommended revision to this local policy is to clarify the district's current policy provision on compensation payments to employees during emergency closings. The revised text continues to reflect that the district will pay employees for their regular duty schedule during a closing but provides the board flexibility to decide otherwise through board action. In addition, the text requires the board, following a closure, to adopt a resolution or take other board action to establish the purpose and parameters for such payments.

DF (LEGAL) TERMINATION OF EMPLOYMENT

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not discharge an employee if the educator knew, or should have known through a criminal history review, that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Discharge of Convicted Employees, Sanctions.)

DFBA (LEGAL) TERM CONTRACTS  
SUSPENSION/TERMINATION DURING CONTRACT

An outdated case has been deleted from this legally referenced policy and, based on revised administrative rules effective March 8, 2018, citations have been updated.

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Additional provisions of the federal Drug-Free Workplace Act are included to provide a more complete explanation of the requirements.

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### DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The enclosed revision at Weapons Prohibited, Exceptions adds a cross-reference to CKC to reflect that the board permits the use or possession of a firearm by a specific employee.

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

Changes to this legally referenced policy on reports to the State Board for Educator Certification are based on revised administrative rules effective March 8, 2018. The rules clarify reportable misconduct and require the report to address current employment status, including pending actions and whether law enforcement or another agency is involved.

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

Recommended text clarifies that the district may remove from duty and require testing of an employee if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of district policy. The text also addresses consequences for an employee's refusal to comply with testing and for violation of the district's drug and alcohol policy.

### DI (LOCAL) EMPLOYEE WELFARE

This local policy addressing drug-free awareness programs is recommended for deletion, as the content is adequately covered through the district's DH(LEGAL) and (LOCAL) policies. See DH(LEGAL) for the district's requirements under the federal Drug-Free Workplace Act.

### DP (LEGAL) PERSONNEL POSITIONS

Provisions on principal certification have been updated to provide a more complete explanation of the requirements.

### E (LEGAL) INSTRUCTION

The E Section table of contents has been revised to add a code, ELA, to address partnership charters and to revise the title of EL to Campus or Program Charters. In addition, EJ is being deleted from the manual, and that code has been removed from the table of contents.

### EB (LEGAL) SCHOOL YEAR

Effective with the 2018–19 school year, HB 2442 revised the Education Code provision addressing the length of a school year to clarify that the required 75,600 minutes are for operation, not just instruction. HB 2442 also included provisions allowing the commissioner to reduce funding if the district provides fewer than 75,600 minutes of operation and exemptions from the minimum minutes of operation for certain instructional programs.

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### EC (LEGAL) SCHOOL DAY

Effective with the 2018–19 school year, HB 2442 deleted the statutory provision requiring a school day to be at least seven hours long and a day of instruction to include 420 minutes of instruction. As a result, we have removed those provisions from this legally referenced policy.

### EFB (LEGAL) INSTRUCTIONAL RESOURCES LIBRARY MEDIA PROGRAMS

A citation has been added to the revised standards for school library programs, which were adopted by the Texas State Library and Archives Commission effective March 8, 2018. A district must consider the standards in developing, implementing, or expanding library services.

### EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM ELECTIVE INSTRUCTION

Driver education provisions have been revised to include existing provisions about the requirements for a driver education course and to replace detailed information on student eligibility with reference to the appropriate subchapter of the Administrative Code.

### EHBAB (LEGAL) SPECIAL EDUCATION ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

At Individualized Education Program, a revision to item 11, based on changes to the Administrative Code effective February 15, 2018, requires the ARD committee to consider appropriate transition issues beginning no later than when a student reaches 14 years of age.

### EHBAD (LEGAL) SPECIAL EDUCATION TRANSITION SERVICES

A revision at Individual Transition Planning is based on changes to the Administrative Code effective February 15, 2018, which align the rules with the Education Code.

### EHBAB (LEGAL) SPECIAL EDUCATION PROCEDURAL REQUIREMENTS

Citations have been updated throughout this legally referenced policy based on changes to the Administrative Code effective February 15, 2018, and additional detail from existing law has been added to the notice required when a student reaches the age of 18. (See page 7.)

### EHBC (LEGAL) SPECIAL PROGRAMS COMPENSATORY/ACCELERATED SERVICES

At Compensatory Education Allotment, we have removed outdated provisions that capped the percentage of compensatory education funds that could be used for DAEP expenditures, that addressed the development of college preparatory courses for the 2014–15 school year, and that addressed partnerships with community colleges for dropout recovery programs.



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EHBD (LEGAL) SPECIAL PROGRAMS  
FEDERAL TITLE I

This legally referenced policy on federal Title I requirements has been revised to include additional provisions on fiscal requirements, including maintenance of effort, the use of funds to supplement state and local funds, and prohibited uses of funds.

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

Provisions at Dual Credit Programs have been revised as a result of amended administrative rules effective February 15, 2018. In addition to updating definitions, the amended rules require dual-credit partnership agreements to address defined sequences of courses where applicable.

An amendment to the Administrative Code effective February 28, 2018, provides that the Texas Success Initiative (TSI) is the only assessment instrument approved by the Texas Higher Education Coordinating Board for evaluating a student's enrollment in a developmental course offered by a community college. (See Remedial Programs.)

EI (LEGAL) ACADEMIC ACHIEVEMENT

Provisions at Notation on Transcript or Diploma, applicable to students who entered grade 9 before the 2014–15 school year, have been moved to this code without revision from EJ(LEGAL).

EIC (LEGAL) ACADEMIC ACHIEVEMENT  
CLASS RANKING

Provisions regarding automatic admission have been updated to reflect current law. In addition, detailed notification requirements about automatic admission have been added from revised administrative rules effective February 14, 2018.

EIF (LEGAL) ACADEMIC ACHIEVEMENT  
GRADUATION

Specific provisions addressing students who entered grade 9 prior to the 2012–13 school year have been replaced with a reference to the relevant Administrative Code provisions. Based on amendments to administrative rules effective February 15, 2018, references to prior school years have also been adjusted in the provisions addressing graduation of students receiving special education services.

New administrative rules effective May 3, 2018, implement SB 463 and permit a district to award a diploma to an individual who entered grade 9 before the 2011–12 school year and has completed the applicable curriculum requirements, but who has not successfully passed the relevant exit-level assessment required for graduation after at least three tries. To graduate, the student must meet the alternative requirements for graduation in 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board. [Information to assist districts in developing graduation requirements](#) for board approval was e-mailed to districts in April 2018.

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### EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

This code is being deleted. Provisions on academic counseling have been moved to FFEA(LEGAL) to house all counselor-related duties in the same code. Provisions regarding notations on transcripts or diplomas have been moved to EI(LEGAL).

### EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Conduct that violates the security and confidentiality of a state assessment has been updated to match the 2018 Test Security Supplement. The list of penalties has also been updated to permit the imposition of additional conditions or restrictions upon a certificate to facilitate the rehabilitation and professional development of the educator or to protect students, parents, school officials, or personnel.

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

Several provisions have been deleted from this legally referenced policy based on the repeal of administrative rules effective March 27, 2018. The repeal aligned the commissioner rules with current law and removed inapplicable language related to the elimination of the Texas Assessment of Knowledge and Skills (TAKS).

### EL (LEGAL) CAMPUS OR PROGRAM CHARTERS

In addition to the title change, provisions addressing partnership charters have been moved to ELA(LEGAL).

### ELA (LEGAL) CAMPUS OR PROGRAM CHARTERS PARTNERSHIP CHARTERS

This new legally referenced policy includes material on partnership charters, previously at EL(LEGAL), and has been updated to include several existing statutory provisions and new material from administrative rules adopted effective March 30, 2018. The administrative rules provide significant guidance for districts that choose to contract with a partner to operate a district campus to receive accountability benefits in accordance with Education Code 11.174 and financial benefits in accordance with Education Code 42.2511.

TEA has additional [information about the partnership process](#) on its website.

### FD (LEGAL) ADMISSIONS

Provisions at Pest Control Information have been updated as a result of new administrative rules effective January 9, 2018. The revisions add more detail about the notification to parents regarding application of pesticides that is required upon a child's registration for school.

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FEA (LOCAL) ATTENDANCE  
COMPULSORY ATTENDANCE

A revision is recommended at Armed Services Enlistment to more accurately track the relevant statute, which requires a district to excuse a student 17 years of age or older for up to four days during the student's enrollment in high school to pursue military enlistment.

FEB (LEGAL) ATTENDANCE  
ATTENDANCE ACCOUNTING

This legally referenced policy on attendance accounting has been revised to better match statutory wording and to add appropriate cross-references.

FFAA (LEGAL) WELLNESS AND HEALTH SERVICES  
PHYSICAL EXAMINATIONS

Changes to the spinal screening provisions are from revised administrative rules effective January 1, 2018, and include new parent notification requirements, adjustments to the screening schedule, and guidance on the transfer of spinal screening records.

FFAB (LEGAL) WELLNESS AND HEALTH SERVICES  
IMMUNIZATIONS

Provisions regarding immunization records have been updated to more closely track statutory wording.

FFEA (LEGAL) STUDENT ASSISTANCE PROGRAMS/COUNSELING  
COMPREHENSIVE GUIDANCE PROGRAM

Provisions on academic counseling have been moved from EJ(LEGAL) to this code in order to house all counselor-related duties in the same code.

FFH (LEGAL) STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

A note has been added to this policy to provide a reference to FB(LEGAL), which addresses discrimination on the basis of disability, sex, and other protected characteristics.

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

Effective with the 2018–19 school year, HB 2442 repealed the Education Code provision that required a school day for a DAEP to be between seven and ten hours long. That provision has now been removed from this legally referenced policy.

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FOF (LEGAL) STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

Two existing provisions have been added to this legally referenced policy on students with disabilities to provide more complete coverage of the relevant laws. At Expulsion, the provision addresses the requirements to invite the administrator of the county JJAEP to an ARD committee meeting to discuss the discretionary expulsion of a student with a disability. On page 4 at Services During Removal, the provision requires the district to convene, for a student with a disability expelled under a discretionary expulsion, an ARD committee to reconsider placement in a JJAEP if the JJAEP notifies the district that the student's educational or behavioral needs cannot be met in the JJAEP.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM  
ACCESS TO PUBLIC INFORMATION

Based on changes from SB 256, we have updated the name of the Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons. (See Crime Victims on page 7.)

GKA (LOCAL) COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

Most districts' policies at GKA(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an individual to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district's policy.

TASB Legal Services has detailed information about [firearms on school property](#) and at school activities and the circumstances under which a school district may [authorize personnel to carry firearms](#).