

Explanatory Notes

TASB Localized Policy Manual Update 104

District: Harts Bluff ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills in these Explanatory Notes refer to bills from the 84th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

Multiple bills affected this legally referenced policy on ad valorem taxes. Significant changes are described with the relevant bill number in parenthesis.

When a district's TAX RATE will exceed the sum of the effective maintenance and operations tax rate and the district's current debt rate, the board's vote on the ordinance, resolution, or order setting the tax rate must be by record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order. See page 4. (SB 1760)

The HOMESTEAD EXEMPTION, as reflected on page 10, increased from \$15,000 to \$25,000. (SB 1)

At EXEMPTION FOR SURVIVING SPOUSE on page 11, we have added a recently adopted constitutional amendment providing the residence homestead exemption to a surviving spouse of a 100 percent disabled veteran who died before the law authorizing the exemption for such a veteran took effect. (HB 992)

CFA (LEGAL) ACCOUNTING
FINANCIAL REPORTS AND STATEMENTS

New provisions at REPORT OF DEBT INFORMATION, beginning on page 1, are from HB 1378 and require school districts to annually compile and report financial information related to the district's debt obligations, credit rating, and other relevant information. The district must make the annual report available for inspection and post the report on its website until the district posts the next annual report. A district must also post on its website the contact information for the main office of the district. As an alternative to providing an annual report, a district may provide the required information to the comptroller and provide a link to the comptroller's website, where the district's financial information may be viewed.

Other revisions throughout this legally referenced policy are based on amendments to the Texas Administrative Code, effective August 6, 2015. The rules were amended to remove outdated provisions and to align provisions with current statute.

The ratings at CORRECTIVE ACTION PLAN, on page 5, have been updated to refer to the new letter ratings.

At PROJECTED DEFICIT, also on page 5, the rule revisions implement changes from HB 5 (83rd Legislative Session). When the commissioner of education projects that a deficit will occur in a district's general fund within the next three school years, TEA will provide the district certain financial information to evaluate the district's budget situation. TEA may also require the district to submit additional information or to acquire professional services.

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CFC (LEGAL) ACCOUNTING
AUDITS

Newly added to the policy manual are provisions addressing the FINANCIAL ACCOUNTABILITY RATING SYSTEM, beginning on page 2, as revised in Administrative Code rules, effective August 6, 2015. The rules were revised to continue or update established practice. The provisions explain the DATA REVIEWED by TEA in calculating the financial accountability indicators and include a description of the items used as the BASIS FOR THE RATING, including clarification that ratings are based on the data for the prior fiscal year. At TYPES OF RATINGS is an explanation of each of the possible letter grade ratings. Regarding ISSUANCE OF RATINGS, TEA must issue the preliminary rating on or before August 8, and the preliminary rating will become final 31 days after issuance if the district does not file an appeal.

Administrative Code provisions on financial solvency were deleted from rule effective December 29, 2015, because the statute that directed TEA to develop a review process relating to financial solvency of districts and to take certain actions if the review indicated a projected deficit was repealed effective September 1, 2014. Current statute requires TEA to provide districts additional information if a projected deficit is found, as reflected at CFA(LEGAL), included in this update.

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

Beginning on January 1, 2016, HB 1378 requires a district to continuously post on its website the district's annual financial report and the contact information for the district's main office. (See items 12 and 13 on page 2.)

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

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015, and resulted in a new provision on page 6 permitting SBEC to impose a SANCTION on a superintendent who falsely or inaccurately certifies to the commissioner of education that the district complied with the required criminal history review provisions in law.

DFE (LEGAL) TERMINATION OF EMPLOYMENT
RESIGNATION

Amended Administrative Code rules addressing State Board for Educator Certification enforcement actions were adopted effective October 8, 2015, and resulted in minor rewording at INVESTIGATION, on page 2.

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

Amended Administrative Code rules addressing State Board for Educator Certification (SBEC) enforcement actions were adopted effective October 8, 2015. The rules clarify that a superintendent must notify SBEC if an educator has submitted a notice of RESIGNATION and evidence exists that would support a finding that the educator had engaged in an act of misconduct as described in the policy.

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E (LEGAL) INSTRUCTION

We have revised the E section table of contents to add a new policy, EHBAF, on video and audio monitoring of special education classes and other settings.

EEH (LOCAL) INSTRUCTIONAL ARRANGEMENTS HOMEBOUND INSTRUCTION

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* explains that a student who receives special education services is eligible to be placed in a special education homebound instructional setting if the student is expected to be confined for a minimum of four weeks to a hospital or homebound setting. However, the four weeks need not be consecutive if the student is chronically ill and if permitted by local district policy. To address the local policy requirement, recommended text at SPECIAL EDUCATION designates the ARD committee of a chronically ill student to determine whether the weeks of confinement need to be consecutive, since this decision would typically be made on a case-by-case basis. Other recommendations include clarification that in determining the type and amount of instruction, the ARD committee should do so in accordance with law and, if applicable, will determine the length of the transition period to the school-based setting based on current medical information.

Eligibility for GENERAL EDUCATION homebound services also requires confinement for a minimum of four weeks, which do not need to be consecutive, as clarified in the new sentence recommended for inclusion in the policy. Other recommended revisions at this margin note are to improve sentence structure and flow.

A recommended change at DOCUMENTATION OF SERVICES requires that documentation of homebound services be maintained in accordance with the *SAAH* and a student's IEP, if applicable, in addition to any other administrative procedures the district may have.

EHBAF (LEGAL) SPECIAL EDUCATION VIDEO/AUDIO MONITORING

This new legally referenced policy addresses video and audio monitoring of special education classes and other settings, effective for the 2016–17 school year, as added by SB 507.

Upon request by a parent, board member, or staff member to promote student safety, a district must provide equipment, including a video camera, to each school in the district in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled. Schools must operate the cameras in classrooms or special education settings as described in the policy.

There are specific requirements outlined in the policy for the VIDEO CAMERAS, such as the areas that must be visible and audible. Districts must provide WRITTEN NOTICE to all school staff and to the parents of students receiving special education services in the classroom or setting where cameras are placed.

The RETENTION PERIOD for the recordings is a minimum of six months after the date of the recording. A district may not allow regular or continual monitoring of the video recording or use the recording for teacher evaluations or any other purpose other than to promote the safety of students receiving special education services.

Recordings of a student are CONFIDENTIAL, with certain exceptions.

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EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

A new provision from amended State Board of Education rules effective November 20, 2015, requires a district to provide opportunities for credit by examination to STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE who transfer into the district after the school year begins. (See page 3.)

EI (LEGAL) ACADEMIC ACHIEVEMENT

A new requirement from amended State Board of Education rules effective November 20, 2015, requires a district to award partial credit to a student who is homeless or in substitute (foster) care who successfully completes only one semester of a two-semester course.

Districts still have discretion regarding whether to award partial credit to other students who successfully complete only one semester of a two-semester course. However, if your district either does not award partial credit or places restrictions on the award of partial credit, please be aware of the new requirements for students who are homeless or in substitute care when applying partial credit.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Amendments to the Administrative Code effective December 10, 2015, implement changes from HB 1613 and SB 149 regarding use of the Texas Success Initiative (TSI) as a substitute assessment for an end-of-course (EOC) assessment and HB 2349 regarding reporting the results separately for out-of-state transfer students. As explained at SUBSTITUTE ASSESSMENTS beginning on page 5, a student enrolled in a college preparatory English language arts or mathematics course who meets a certain score on the TSI at the end of the course satisfies the relevant EOC assessment graduation requirements. Under some circumstances, a student can satisfy both the English I and II EOC assessment requirements.

In addition, a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment may use the TSI as a substitute assessment if the student has met certain TSI score requirements.

The amended rules also require a district to report to TEA whether a student transferred into the district from out of state during the current school year, and TEA must report the assessment results of these transfer students separately from other students. (See OUT-OF-STATE TRANSFERS on page 9.)

An existing statutory provision has been added requiring ACCELERATED INSTRUCTION for students who fail an assessment administered in grades three through eight.

FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

The U.S. Department of Education Office for Civil Rights (OCR) enforces the Age Discrimination Act of 1975, which prohibits discrimination based on age in programs or activities, including programs or activities of a local educational agency or other school system, that receive federal financial assistance. To accurately reflect this federal law in policy, we have added "age" to the list of protected characteristics at FEDERAL FUNDING RECIPIENTS on page 1.

Additional information on the Age Discrimination Act may be found at <http://www2.ed.gov/policy/rights/guid/ocr/ageoverview.html>.

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We have revised the text at EVALUATION AND PLACEMENT, beginning on page 4, to provide additional detail from current regulations about a district's obligation to conduct an evaluation for a student with a disability who needs or is believed to need special education or related services. The text also outlines the items that need to be addressed in district procedures on evaluation and placement.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

To eliminate the need for the board to readopt this policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to FB(EXHIBIT), which is not a board-adopted document. The Department of Education's Office for Civil Rights (OCR) emphasizes the duty of school districts to make these coordinators "visible" to the school community, but recognizes the cost and administrative burden associated with staffing changes. Moving the contact information to the exhibit will maintain the visibility of the coordinators while reducing the administrative burden. See U.S. Dep't of Educ., OCR, [Dear Colleague Letter \(PDF\)](#) (Apr. 24, 2015).

Along with this change, TASB Policy and Legal Services have revised the recommended text in this local policy to capture the district's obligation to provide equal educational opportunities to all students, including the protections under Section 504 and other laws. The changes are based on the Section 504 regulations as well as the requirements throughout federal and state law to provide equal educational opportunities to all students. Two new *Notes* in the policy clarify the distinction between the issues addressed in FB and in policy FFH, which governs the district's response to student discrimination and harassment.

New recommended provisions address the overarching concept of EQUAL EDUCATIONAL OPPORTUNITY for all students along with a district's obligation to consider ADDITIONAL SERVICES AND SUPPORTS as necessary. Because Texas law specifically overlaps the diagnosis and services provided to students with dyslexia and related disorders to Section 504, we have added a cross-reference to policy EHB for information related to dyslexia.

The existing policy provisions related to Section 504 have been revised significantly. The most substantive recommendations include:

- Revisions to the text associated with SECTION 504 COMMITTEES to acknowledge that the ADA/Section 504 coordinator for the district will not always be a member of each 504 committee. In addition, the text now refers to the "group of persons" required by regulation to serve on the committee, rather than referencing a specific number of persons.
- Placing more emphasis on the district's duty to evaluate when REFERRALS are made, along with revisions to the NOTICE AND CONSENT provisions to recognize guidance from the OCR and the procedural safeguards requirements of Section 504.
- Changing the text associated with EVALUATION AND PLACEMENT to mirror the requirements placed on the "recipient" of federal funding to ensure that the district's procedures for tests and other evaluation materials comply with the minimum requirements of law. Rather than specifically requiring an adaptive behavior evaluation in local policy, the recommended text refers to a variety of evaluations that each Section 504 committee will consider.
- A new provision addressing the REVIEW AND REEVALUATION PROCEDURE required in the Section 504 regulations. Because a district is required by the Section 504 regulations to periodically reevaluate a student's eligibility for services, and the Section 504 regulations allow a district to use the same timeline established in the Individuals with Disabilities Education Act (IDEA) to comply with the reevaluation requirement, the recommended text affirms that the district will abide by the IDEA timelines related to reevaluation (generally at least once every three years and not more than once a year). Also included is a provision addressing reviews of a student's services and supports.

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- A new statement to accommodate a procedural safeguards requirement in the Section 504 regulations reflecting the parent's rights related to EXAMINING RECORDS of his or her child.
- Revisions to the existing text associated with a parent's RIGHT TO AN IMPARTIAL HEARING, to more accurately capture the requirements in the Section 504 regulations. Although a district may use the state-developed procedural safeguards document used for IDEA-eligible students to comply with the procedural safeguards required by the Section 504 regulations, the recommended text in the local policy addresses each component of the required Section 504-specific procedural safeguards topics.
- Revision of text regarding state-mandated assessments, as accommodations on state assessments are only one type of accommodation provided to students with disabilities. See EQUAL EDUCATIONAL OPPORTUNITY.
- Relocation and revision of text associated with RECORDS RETENTION to remove provisions associated with records of discrimination, harassment, and retaliation, since these concepts are addressed at policy FFH, and to focus on the retention requirements for records pertaining to Section 504.

FB (EXHIBIT) EQUAL EDUCATIONAL OPPORTUNITY

To eliminate the need for the board to readopt policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to this exhibit, which is not a board-adopted document.

Please confirm the contact information included in this exhibit and contact your policy consultant if any adjustments are needed.

FD (LEGAL) ADMISSIONS

To assist districts in determining residency of students seeking admission to district schools, a definition of "residence" has been added from a U.S. Supreme Court case at PROOF OF ELIGIBILITY, beginning on page 3. The definition provides that residence requires living in the district and having the present intention to remain there.

FD (LOCAL) ADMISSIONS

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* requires districts to maintain written local board-adopted policies that provide detailed information on the district's attendance accounting system and that include the district's written policy for documentation to establish student residency. Informal guidance from TEA would allow districts to continue the common practice of the superintendent maintaining in administrative regulations a list of documents that may be used to verify residency. However, districts will need to provide auditors with the district's list of documents that may be used to establish residency. Recommended local policy text aligns with this practice and requires the parent to present proof of residency in accordance with administrative regulations. The text also allows the district to investigate stated residency as necessary. Please note that FD(REGULATION) will be updated in the next *TASB Regulations Resource Manual* update. If the district would like to include in policy a list of accepted documents, please contact your policy consultant for appropriate language.

To better accommodate the completion of REGISTRATION FORMS electronically, the reference to a signature is recommended for deletion. The requirement to *complete* registration forms can incorporate either a written signature on paper forms or an electronic acknowledgment or affirmation on an electronic form.

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New provisions are also recommended to clarify TRANSFER OF CREDIT from accredited and nonaccredited schools and are broad enough to replace the current local policy provisions, which are limited to transfer of credit from nonaccredited schools. In accordance with state rule and as reflected in the recommended text, the district must accept credits for state graduation requirements earned in an accredited public school district in Texas. However, before recognizing credits earned in any other school, including an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, a district must evaluate the records or transcripts and may use a variety of methods to verify course content. The recommended local policy text also clarifies that the district may require the student to demonstrate mastery of the course content.

The definition of "accredited" that was already included in the policy has been moved to the beginning of the section addressing transfer students, since this definition is relevant to placement decisions as well as transfer of credit.

Revisions at WITHDRAWAL reflect that a parent wishing to withdraw a student presents a statement of withdrawal rather than a request.

FEB (LOCAL) ATTENDANCE ATTENDANCE ACCOUNTING

To match wording in state rule, we have revised the text in this local policy to refer to "alternative" times for taking attendance. See ALTERNATIVE RECORDING TIME.

The 2015–16 TEA *Student Attendance Accounting Handbook (SAAH)* requires districts to maintain written local board-adopted policies that provide detailed information on the district's attendance accounting system, including the district's written policy for documentation to establish student residency. To tie this policy on attendance accounting with the district's residency provisions at FD(LOCAL), we have added, at ATTENDANCE ACCOUNTING SYSTEM, a cross-reference to FD for admissions and residency requirements related to student attendance accounting.

FFA (LEGAL) STUDENT WELFARE WELLNESS AND HEALTH SERVICES

Revisions to this legally referenced policy on student wellness and health services reflect the repeal of the 2004 federal school wellness policy requirements and the addition of new wellness policy requirements from the Healthy, Hunger-Free Kids Act (HHFKA) of 2010. The 2010 HHFKA places greater emphasis on implementation, evaluation, and transparency to the public.

Specifically, the HHFKA added requirements for:

- Including wellness goals for nutrition promotion;
- Permitting additional stakeholders, including teachers of physical education and school health professionals, to participate in the development, implementation, and periodic review of the wellness policy;
- Informing the public about the content and implementation of the policy;
- Providing an assessment of the implementation of the policy; and
- Designating one or more district employees to ensure that each campus complies with the policy.

The U.S. Secretary of Agriculture must develop regulations that provide the framework and guidelines for districts to establish their wellness policies. Final federal regulations are still pending and will be added to the policy when effective.

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Please note: TASB Policy Service has created new policy development materials to assist you in revising your FFA(LOCAL) for appropriate compliance with the HHFKA statutory requirements, available on myTASB at <https://www.tasb.org/Services/Policy-Service/myTASB/Starting-Points/Wellness/Wellness-Policy-and-Wellness-Plan.aspx>.

FFC (LOCAL) STUDENT WELFARE
STUDENT SUPPORT SERVICES

To eliminate the need for the board to readopt policy every time the district's liaison for homeless students changes, we have moved the contact information for this position to FFC(EXHIBIT), which is not a board-adopted document. As a result, this local policy is recommended for deletion.

FFC (EXHIBIT) STUDENT WELFARE
STUDENT SUPPORT SERVICES

To eliminate the need for the board to readopt policy every time the district's liaison for homeless students changes, we have moved the contact information for this position to this new exhibit, which is not a board-adopted document.

Please confirm the contact information included in this exhibit and contact your policy consultant if any adjustments are needed.

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

Recommended revisions update the STATEMENT OF NONDISCRIMINATION and the definition of DISCRIMINATION to add "sex" and "age" in accordance with Title IX and the Age Discrimination Act of 1975, respectively. Both statutes are enforced by the Department of Education's Office for Civil Rights (OCR).

In addition, to eliminate the need for the board to readopt this policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to FFH(EXHIBIT), which is not a board-adopted document. The OCR emphasizes the duty of school districts to make these coordinators "visible" to the school community, but recognizes the cost and administrative burden associated with staffing changes. Moving the contact information to the exhibit will maintain the visibility of the coordinators while reducing the administrative burden. See U.S. Dep't of Educ., OCR, [Dear Colleague Letter \(PDF\)](#) (Apr. 24, 2015).

The provision explaining the district's RECORDS RETENTION obligations for allegations, investigation reports, and other related records regarding prohibited conduct has been moved from FB(LOCAL) and revised to replace the stated retention periods with a reference to law. FFH is a more appropriate policy for this provision, since FFH addresses complaints of discrimination, harassment, and retaliation.

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

To eliminate the need for the board to readopt policy every time the district's Title IX coordinator or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to this exhibit, which is not a board-adopted document.

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Please confirm the contact information included in this exhibit and contact your policy consultant if any adjustments are needed.

FL (LEGAL) STUDENT RECORDS

Although new provisions from SB 507 that require video cameras in certain special education classrooms are not effective until the 2016–17 school year, the bill makes immediate changes regarding the list of EXCEPTIONS for which consent is not required when a district employee makes VIDEOTAPES AND RECORDINGS of a child or child's voice. Parental consent is not required when a videotape or recording is related to the promotion of student safety under the new law pertaining to recordings in special education settings. See pages 20 and 21.