

# Explanatory Notes

## TASB Localized Policy Manual Update 100

District: Brackett ISD  
AIB (LEGAL) ACCOUNTABILITY  
PERFORMANCE REPORTING

Changes throughout this policy are prompted by revised Commissioner rules, effective March 13, 2014. At DISTRICT PERFORMANCE REPORT, we have added a reference to the Texas Academic Performance Report (TAPR), which replaced the previous Academic Excellence Indicator System (AEIS) report, and deleted the list of required data elements in the report, since TEA is responsible for creating the reports.

The amended rules clarify that the PUBLIC HEARING on the TAPR must occur within 90 days after the district receives the report and may occur at a regular or special board meeting. Within two weeks of the public hearing, the district must publish the TAPR on its website and in other public places, such as each school office, local businesses, and public libraries. (See PUBLICATION on page 2.)

At CAMPUS PERFORMANCE REPORT, we have added detail from existing Commissioner rules about the school report card (SRC), including timelines for distributing the report to parents, and a new provision from the amended rules permitting the district to send the SRC to parents by e-mail.

BQA (LEGAL) PLANNING AND DECISION-MAKING PROCESS  
DISTRICT-LEVEL

HB 2012 from the 83rd Texas Legislature, Regular Session, requires the Commissioner to develop an online survey regarding teaching and learning conditions to be administered biennially to district professional staff. As reflected at DISTRICT PLAN on page 2, each district must use the results to review and revise the district-level improvement plan and, as otherwise appropriate, to enhance the district learning environment. Please be aware that the requirement to review and revise the district-level improvement plan based on the survey results applies for the 2014–15 school year.

BQB (LEGAL) PLANNING AND DECISION-MAKING PROCESS  
CAMPUS-LEVEL

As described at BQA(LEGAL), above, HB 2012 requires each district to use the results of the TEA teaching and learning survey to review and revise the campus-level improvement plan and, as otherwise appropriate, to enhance the campus learning environment. See CAMPUS IMPROVEMENT PLAN on page 2. Please be aware that the requirement to review and revise the campus-level improvement plan based on the survey results applies for the 2014–15 school year.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

This legally referenced policy on security personnel is recommended for inclusion in the district's policy manual to reflect common security options available to the district. The table of contents shows the major topics addressed in the policy, including district peace officers and security personnel, school marshals, concealed handgun licensees, and school resource officers.

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**Please note:** Because Update 100 addresses security personnel, it is a good time to confirm appropriate local policy provisions for those districts that authorize employees other than commissioned peace officers to possess firearms. If your district has adopted this practice, relevant policy should be at CKC(LOCAL). Please contact your policy consultant if you need adjustments to policy.

CKE (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

This local policy on security personnel is recommended for inclusion in the district's policy manual based on the district's responses to the Policy Service survey sent in June 2014. This new policy includes the following components:

- The board's decision to employ and commission a police officer;
- The legal requirement for the police officer to report to the superintendent;
- As determined by the board, the jurisdiction of the district's officer and the list of the officer's authority, which must include protecting the safety and welfare of persons within the district's jurisdiction and protecting the property of the district;
- Authorization for the officer to operate within another law enforcement agency's jurisdiction when temporarily assigned to that agency and coordination with other law enforcement agencies as established in the relevant memorandums of understanding;
- Limitations on nonschool employment;
- Use of video equipment in a police car when such equipment is available and clarification that those recordings are considered law enforcement records under FERPA;
- Provisions on officer training and creation of a police department regulations manual, which must address racial profiling, use of force, and high-speed pursuits;
- A provision referencing the unique COMPLAINT process required by law for a district police officer and appeals regarding that specific complaint process; and
- Provisions reflecting the district's decision to use school resource officers (SROs) and requiring those officers to provide services consistent with the agreement the district has with the local law enforcement agency that employs the SROs, the district's safety programs, and board policy.

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

Amendments to Commissioner rules on the instructional materials allotment (IMA), effective May 12, 2014, resulted in several changes to this legally referenced policy:

- At DELAYED PUBLISHER PAYMENT OPTION beginning on page 1, additional detail has been added regarding the option for a district to requisition and receive materials before IMA funds are available. Publishers may not selectively decline to accept orders with delayed payments; a decision to decline an order will apply to all of the publisher's orders with delayed payments.
- The rules clarify that the amount of funding for HIGH-ENROLLMENT GROWTH will be allocated based on available IMA funds. See pages 2–3.

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- Provisions regarding PERMITTED EXPENDITURES and PROHIBITED EXPENDITURES, beginning on page 3, have been revised. IMA funds may be used to purchase instructional materials for college preparatory courses, but may not be used for items not directly related to instruction, such as nontechnological equipment.
- As reflected on page 6, to obtain REIMBURSEMENTS OF IMA EXPENDITURES, districts must meet the criteria and follow the process established by TEA.
- Provisions have been updated to reflect the rules' change in terminology from "Braille and large-type materials" to "specialized instructional material formats." See SPECIALIZED INSTRUCTIONAL MATERIAL FORMATS on page 6.
- A new methodology for calculating IMA for BILINGUAL INSTRUCTIONAL MATERIALS has been included on page 7.

### CPC (LEGAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

We have added on page 2 of this legally referenced policy on records management existing statutory provisions on designating the RECORDS MANAGEMENT OFFICER (RMO). The provisions explain that the board must designate the RMO, and the name, office, or position of the RMO must be filed with the Texas State Library and Archives Commission within 30 days.

For most districts, CPC(LOCAL) gives the superintendent oversight authority of the district's records management functions, but if the board wishes to specifically designate another individual as the records management officer, a sample resolution for this purpose is available in the *TASB Regulations Resource Manual*, available in the Policy Service Resource Library on myTASB.

### CPC (LOCAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

The statutory reference to the law addressing officers for public information has been updated in this local policy.

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

In reviewing this legally referenced policy on health and life insurance in light of the Affordable Care Act, we have made extensive revisions. Text has been streamlined and revised to better match statutory authority. We have added detail at COVERAGE REQUIREMENTS and revised definitions to assist districts in determining whether employees are FULL-TIME or PART-TIME. An existing statutory provision has been added on page 3 to explain that each year an employee shall make a WRITTEN ELECTION whether to designate a portion of the employee's compensation to be used as health-care supplementation.

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

Recommended deletions provide flexibility for the district to determine contributions to health insurance premiums based on TRS membership, rather than part-time or full-time status. This change is more consistent with state law, which requires districts to contribute to the health insurance premiums of only those employees who are active, contributing TRS members.

DCB (LOCAL) EMPLOYMENT PRACTICES  
TERM CONTRACTS

To ensure that the district provides term contracts as required by law, this local policy includes the comprehensive list of positions required by law to receive term contracts. Any district employee in one of the listed positions who has served the probationary contract period required by the district shall be given a term contract.

Any employees in positions for which the district requires current SBEC certification are also entitled to term contracts.

DCD (LOCAL) EMPLOYMENT PRACTICES  
AT-WILL EMPLOYMENT

We recommend replacing the list of categories of employees that the district hires on an at-will basis with a statement that personnel not hired under a contract shall be employed on an at-will basis. A cross-reference points to the policies outlining which employees are hired on a contractual basis.

Several other provisions are also recommended for deletion because the material is covered at other policy codes, including:

- The statement giving the superintendent or designee the authority to notify employees about assignments, compensation, and other conditions of employment, which is addressed at DK(LOCAL);
- The statement that the principal will evaluate at-will employees, which is addressed in the DN series; and
- The provision on reasonable assurance, which is addressed at CRF(LOCAL).

DCE (LOCAL) EMPLOYMENT PRACTICES  
OTHER TYPES OF CONTRACTS

Because the district's response to the Policy Service survey sent in June 2014 indicated that the district does not consistently give non-Chapter 21 contracts to employees in any specific positions, we recommend deletion of this local policy on non-Chapter 21 contracts.

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DEB (LEGAL) COMPENSATION AND BENEFITS  
FRINGE BENEFITS

This legally referenced policy on fringe benefits is recommended for inclusion in the district's policy manual. The policy provisions include the legal requirements applicable upon the death of a peace officer employed by a district and is recommended as a reference since all districts have the option of commissioning peace officers. [See CKE(LEGAL).]

DECB (LEGAL) LEAVES AND ABSENCES  
MILITARY LEAVE

A change in statute is reflected on page 2 at STATE LEAVE FOR MEMBER OF MILITARY OR RESCUE TEAM—SHORT TERM. The amended text limits this type of leave to 15 days in a fiscal year. Previously the statute referred to a "federal" fiscal year.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

Changes to this legally referenced policy on staff development are from SB 1383 from the 2011 82nd Texas Legislature. These changes were delayed pending development of the new principal appraisal system, which TEA will begin piloting in the 2014–15 school year. The policy was reorganized to better track statute and includes separate staff development requirements for EDUCATORS and PRINCIPALS. Staff development provided to a principal is governed by Education Code 21.3541 and rules for that section.

As a result of SB 307 from the 2013 83rd Texas Legislature, Regular Session, we have deleted provisions on required professional development for adult education staff. SB 307 transferred the administration and oversight of adult education and literacy programs from TEA to the Texas Workforce Commission (TWC), effective January 1, 2014, and mandates that TWC use a competitive procurement process to award contracts to service providers of local education programs.

EHDB (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

Amended State Board rules on credit by examination with prior instruction, effective May 11, 2014, align the rules with changes from HB 2694 and SB 1365 from the 83rd Texas Legislature, Regular Session. The rules specify that tests given to students for the purpose of receiving credit for a subject in which the student has received prior instruction must be board approved.

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### EIC (LEGAL) ACADEMIC ACHIEVEMENT CLASS RANKING

Changes on page 1 clarify that students on the new foundation graduation program will need to complete the distinguished level of achievement to be eligible for AUTOMATIC ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION. If a student is unable to meet the CURRICULUM REQUIREMENTS for the distinguished level of achievement under the foundation program because the courses were unavailable or due to another cause outside of the student's control, the student will be considered to have satisfied the requirements.

**Please note:** In May 2014, Policy Service sent the *Policy Alert* on Class Rank and the foundation graduation program, about potential adjustments to the district's EIC(LOCAL). If you have not already contacted the district's policy consultant in response to the *Alert*, which is available in the Policy Service Resource Library on myTASB, please do so to discuss any possible changes that are needed to your local policy.

### FDA (LOCAL) ADMISSIONS INTERDISTRICT TRANSFERS

Revisions recommended to this local policy on interdistrict transfers are based on a recent Commissioner decision, *Child v. Skidmore-Tynan Independent School District*, in which the Commissioner determined that, under the Texas Education Code, interdistrict transfers must be for a period of one year. As a result, we have deleted text that permitted the district to revoke transfers mid-year for violation of the district's rules and regulations. However, new text at TRANSFER AGREEMENTS explains that if a transfer student violates the district's rules and regulations, the district may take that conduct into account in approving a transfer for the following school year.

### FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

To better match statutory text, we have made changes to this policy on compulsory attendance at NO PENALTY on page 5. Newly added text explains that students with excused absences for compulsory attendance determinations may not be penalized for the absence and shall be counted as if the student were in attendance for purposes of calculating average daily attendance.

### FL (LOCAL) STUDENT RECORDS

A change recommended on page 3 at ACCESS BY SCHOOL OFFICIALS, item 1, clarifies that a district's school resource officers, if any, are considered "school officials" for purposes of FERPA. School officials are allowed access to student records if they have a legitimate educational interest in the records.

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**Please note:** The district's policy reflects a single DIRECTORY INFORMATION list. Under the district's policy the district will need to release the information to anyone who follows the request procedures, unless a parent objects to the release of the listed directory information. However, state law gives districts the option to create a separate directory information list for school-sponsored purposes. Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or other district publication, remains otherwise confidential and may not be released. If you are interested in discussing a change to your policy to reflect separate lists of directory information categories for school-sponsored release and for all other purposes, please contact the district's policy consultant.

### GB (LEGAL) PUBLIC INFORMATION PROGRAM

This new legally referenced policy addressing the scope of public information includes provisions that were formerly at GBA, Access to Public Information, including provisions defining and listing the forms of public information and provisions addressing postings on an online message board as authorized by the Government Code.

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

This legally referenced policy addressing access to public information has been revised and reorganized into three sections, as reflected in the new table of contents page. Section I addresses the right of access to public information. Sections II and III clarify the distinction between categories of information that a school district may not disclose to the public versus information that a district may elect to withhold under Subchapter C of the Public Information Act. As mentioned above, several provisions addressing the scope of public information were moved to GB(LEGAL). Substantive changes to this policy include:

- Addition of an existing statutory provision explaining that expenditure of funds for a security system is public information (see SECURITY SYSTEM INFORMATION on page 3);
- Addition of existing statutory provisions on the SPECIAL RIGHTS OF ACCESS employees and board members have to information held by the district (see page 4);
- Relocation and addition of existing statutory provisions regarding commercial information and requests by incarcerated individuals, now grouped with other INFORMATION THE DISTRICT IS NOT REQUIRED TO RELEASE (see page 4); and
- Relocation of provisions regarding the personal information of peace officers/security officers, which used to be included with employee/board member information, to the section of the policy covering INFORMATION THAT MAY NOT BE DISCLOSED (see page 9 at PEACE/SECURITY OFFICER INFORMATION).

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

A revision at CATEGORIES OF INFORMATION on pages 8–9 clarifies that the attorney general, in Open Record Decision 684, determined that a district may withhold from public disclosure any of the categories of records listed in that decision, not just personnel records.

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

With some exception, state law allows districts to charge requestors for district personnel time spent responding to the requestor's public information requests after the personnel time exceeds a specified amount established by the district, which may not be less than 36 hours. Your district does not have a policy addressing this available option. Therefore, we have enclosed for your consideration a policy that establishes a 36-hour limit for personnel time after which the district will begin charging the requestor for the district personnel time spent on his or her PIA requests.

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

A recent attorney general opinion added at BOARD AUTHORIZATION on page 6 explains that a concealed handgun license holder does not commit a criminal offense when the holder carries a handgun at an interscholastic event or a board meeting if the holder is lawfully carrying a handgun pursuant to the board's written regulations and authorization.

### GKB (LOCAL) COMMUNITY RELATIONS ADVERTISING AND FUND RAISING IN THE SCHOOLS

This policy includes extensive revisions recommended to clarify the district's authority to accept or reject requests for ADVERTISING. A definition of "advertising" has been added, which excludes public recognition of donors or sponsors.

The standards for accepting or rejecting advertising have been expanded. The policy explains that advertising is for the purpose of generating revenue, not establishing a forum for communication. Although requests for advertising must be considered in a manner consistent with the First Amendment, the district maintains control over the size and location of advertising and may reject advertising that is inconsistent with law, board policy, regulations, or curriculum or that has a reasonable likelihood of exposing the district to controversy, litigation, or disruption.

Acceptance of advertising does not constitute district endorsement or approval of any product, service, organization, or issue and shall not determine whether the district will purchase goods or services from a vendor.

Cross-references to GKD and FMA have been updated to explain that other relevant information may be found at those policies.

**Please note:** If your district does not accept paid political advertising, sample policy text prohibiting such advertising is available from your policy consultant. For information on political advertising, see TASB Legal Services' eSource memo "Campaign Speech During Elections," available at [https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/campaign\\_speech\\_during\\_elections\\_june14.pdf](https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/campaign_speech_during_elections_june14.pdf).