



UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

TOPIC: Review of LEGAL Policies in TASB Update 95

SUBMITTED BY Gloria S. Rendon **OF:** Asst. Superintendent for Administration

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: December 19, 2012

Review of LEGAL Policies in TASB Update 95.

See attached list.

Explanatory Notes

TASB Localized Policy Manual Update 95

District: United ISD

A25 (INDEX) CROSS-INDEX

The cross-index—shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*—has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2010.

Please bear in mind that the cross-index is “generic” and presents a structure that serves all these manuals; your policy manual may not address some of the topics shown and may not include some of the policies indicated. This cross-index is also a key element used in searching Policy On Line.

A (LEGAL) BASIC DISTRICT FOUNDATIONS

The A section table of contents is being issued without revision to address a system configuration issue. You will not be charged for this page.

AB (LEGAL) DISTRICT NAME

This legally referenced policy is recommended for inclusion in the district's policy manual. It includes existing statutory provisions that provide authority for the board to change the name of the district by a resolution, which must be sent to the commissioner.

B (LEGAL) LOCAL GOVERNANCE

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C (LEGAL) BUSINESS AND SUPPORT SERVICES

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CKA (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT INSPECTIONS

At MANAGEMENT PLAN, item 7, we have added an existing statutory provision requiring asbestos inspectors and persons who design or carry out response actions to be licensed by the Texas Department of State Health Services.

CR (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

A revision at PREMIUM PAYMENTS has been made to better reflect statutory language. The revised language clarifies that the district may deduct commercial insurance premiums from an employee's salary only if the employee authorizes the action in writing.

CRE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT WORKERS' COMPENSATION

On page 4 we have added a Note with information from the 2011 Texas Supreme Court case, *Travis Central Appraisal District v. Norman*, which held that an employee claiming retaliatory discharge for filing a workers' compensation claim cannot bring suit against a school district without the district's consent. The Note further explains that the Texas Labor Code does not waive a school district's immunity and provide such consent.

CV (LEGAL) FACILITIES CONSTRUCTION

Government Code section 2267.059, as included at SUBMISSION on page 3, requires all public work bids and proposals to be sealed. Since Government Code Chapter 2267 prevails over other law relating to a public work contract, we have deleted from the policy the Education Code provisions that allow a district to receive public work bids or proposals through electronic transmission, which are not required to be sealed.

D (LEGAL) PERSONNEL

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- The board has proposed termination of the employee's term contract during the contract term due to financial exigency; and
- The board has taken final action to terminate the contract.

DL (LEGAL) WORK LOAD

The Commissioner of Education decision *Canutillo Educators Association v. Canutillo Independent School District* provides guidance on teachers' PLANNING AND PREPARATION time by explaining that it must occur during the time students are receiving instruction, not before or after the school day.

Per an attorney general opinion, teachers may not be required to remain on campus during their 30-minute DUTY-FREE LUNCH break.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

We have moved to TRAINING SPECIFICS an existing statutory provision explaining that a district may use district-wide staff development that was developed and approved through the district-level decision process and added a margin note regarding staff development relating to instruction of STUDENTS WITH DISABILITIES. In addition, effective with the 2012–13 school year staff development may include training related to bullying (see item 2 at TRAINING SPECIFICS). This change is from HB 1942 passed during the 82nd Legislative Session.

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E (LEGAL) INSTRUCTION

The E section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

EGA (LEGAL) CURRICULUM DEVELOPMENT
INNOVATIVE AND MAGNET PROGRAMS

As a result of recent revisions to the Administrative Code clarifying that dual language immersion programs are part of the bilingual education program, we have deleted provisions on dual language immersion from this policy on Innovative and Magnet Programs and moved the provisions to EHBE, Bilingual Education/ESL.

EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

As a result of changes to the Administrative Code, effective May 30, 2012, economics was moved to the FOUNDATION CURRICULUM as part of social studies.

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

The required GRADES 9–12 COURSE OFFERINGS, beginning on page 2, have been revised based on changes to the Administrative Code, effective May 30, 2012:

- In addition to Integrated Physics and Chemistry, Biology, Chemistry, and Physics, a district must now offer at least two additional science courses from those listed (see item 3);
- Economics is now listed as a required course under social studies (see item 4);
- Health Education has been deleted from the list of courses the district must offer; and
- A district must now offer at least four technology applications courses from those listed (see item 9).

In addition, a district must teach each course required for graduation at least once in any two consecutive years, and a district must teach a course with an end-of-course assessment each year or use alternate delivery methods, such as distance learning, so students can earn credit for those courses.

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

At INDIVIDUALIZED EDUCATION PROGRAM (IEP), item 10 (see page 6), we have updated the text to reflect the current Education Code requirement for districts to begin transition planning not later than the first IEP to be in effect when the child is 14.

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Minor rewording at STUDENTS WITH DYSLEXIA, on page 10, corresponds with terminology used in the revised Administrative Code rules.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

Beginning on page 4, amendments to the Administrative Code, effective May 30, 2012, update and clarify graduation requirements for each of the three graduation programs beginning with students entering grade 9 in the 2012–13 school year.

The rules also resulted in minor rewording of the provisions on page 7 addressing a STUDENT WITH A DISABILITY OR ILLNESS who is unable to participate in physical activity. When a committee is formed for a student who is not receiving special education services or services under Section 504 to determine the student's ability to participate in physical activity, the committee must follow the same procedures required of an ARD or Section 504 committee.

On page 8, new provisions from the revised Administrative Code rules govern enrollment and course credit for courses with a required PREREQUISITE.

F (LEGAL) STUDENTS

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FDA (LEGAL) ADMISSIONS
INTERDISTRICT TRANSFERS

Changes to the Administrative Code, effective April 22, 2012, affect the calculation of tuition charged by the receiving district to the home district to educate students in grade levels not taught in the home district. The tuition payment is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt revenue per enrollee. The base tuition limit was deleted from the calculation. (See TUITION FOR EDUCATION OUTSIDE DISTRICT.)

FJ (LEGAL) GIFTS AND SOLICITATIONS

This legally referenced policy addressing a district's authority to hold charitable raffles is recommended for inclusion in your policy manual.

FNC (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

Clarification about the contents of the discipline management program that must be included in the district improvement plan is from HB 1942 passed during the 82nd Legislative Session. The program is required to provide for prevention and education about unwanted physical or verbal aggression and sexual harassment, but HB 1942 deleted the language that required the program to include education about other forms of bullying.

FNF (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

From *Horton v. Goose Creek Independent School District*, at USE OF TRAINED DOGS beginning on page 2, we have added further explanation about when a sniffer dog is considered to be reasonably reliable so that the district has reasonable cause to search a locker or a car. The case explains that the district does not need to show that the dog is infallible or reliable enough to provide probable cause, only that the dog is reasonably reliable.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

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GKG (LEGAL) COMMUNITY RELATIONS
 SCHOOL VOLUNTEER PROGRAM

The provisions of this policy addressing the CRIMINAL HISTORY RECORD of volunteers have been re-ordered for clarity. The general provisions establishing that volunteers are subject to a criminal history record review before they may perform volunteer duties were moved to the beginning of the section, and specific language referring to the criminal history record review requirements was added at APPLICABILITY and EXCEPTION. The note referring to DBAA was moved to the bottom of the section.