

# Explanatory Notes

## TASB Policy Reference Manual Update 124

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#### **AIC(LEGAL)**

#### **ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS**

At Alternative Management, new text has been included due to changes to the Administrative Code, which became effective September 10, 2024. At Training of Board of Managers, language has been added relating to training requirements for board members who are appointed to join a board of managers. New rules effective on September 18, 2024, regarding Special Program Performance Determination and cyclical monitoring have also been included. In addition, adjustments to margin notes have been made elsewhere in the policy.

#### **AIE(LEGAL)**

#### **ACCOUNTABILITY: INVESTIGATIONS**

Language has been added at Compliance Monitoring Activities due to Administrative Code changes effective September 18, 2024. The new section at Supervision Under IDEA reflects recent amendments from the Administrative Code that outline TEA's procedures for investigating and issuing findings related to violations of the Individuals with Disabilities Education Act (IDEA).

#### **CBB(LEGAL)**

#### **STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

Extensive revisions and additions have been made to this legally referenced policy in light of updated rules about federal grants found in the Code of Federal Regulations, effective October 1, 2024.

#### **CFA(LEGAL)**

#### **ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS**

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Account System, Financial Accountability System Resource Guide.

#### **CFC(LEGAL)**

#### **ACCOUNTING: AUDITS**

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Financial Accountability System Resource Guide. A reference to material in the Administrative Code has been included in the Financial Accountability Rating System (School FIRST) section of this policy.

#### **CH(LEGAL)**

#### **PURCHASING AND ACQUISITION**

General provisions relating to interlocal contracts have been moved to GRB(LEGAL). Language specific to interlocal contracts used for purchasing remains in this legally referenced policy. A note has been added to assist readers in accessing additional provisions related to interlocal agreements.

#### **CKEA(LEGAL)**

#### **SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS**

A section on Medical and Psychological Exams has been added under Required Policies due to policy adoption requirements found in Senate Bill 1445 (88th Regular Session). The Texas Commission on Law Enforcement (TCOLE) has created a model policy that police departments (not the school board) must adopt. The TCOLE model policy was made available in May 2024 with a September 1, 2024, deadline for law enforcement agencies to submit their policies.

#### **CKEB(LEGAL)**

#### **SECURITY PERSONNEL: SCHOOL MARSHALS**

A new section on Psychological Fitness includes the requirements and processes outlined in Administrative Code rules to conform with changes to the Occupations Code made by Senate Bill 1445 (88th Regular Session). The new rules require TCOLE to adopt standards and procedures for the psychological examination of school marshal applicants, school marshal licensees, and school marshal licensees for

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whom there is reason to believe a new examination is necessary to ensure the individuals are able to perform the duties for which the school marshal license is required. There is also a clarification of the reporting requirements for school marshal appointing entities. A new reporting responsibility relating to psychological fitness has been included at District Responsibilities, and a new section at Fit for Duty Review has been added to reflect the new requirements from TCOLE.

#### **CO(LLEGAL) FOOD AND NUTRITION MANAGEMENT**

The revisions in this legally referenced policy reflect changes to federal rules related to child nutrition programs that became effective July 1, 2024.

#### **COA(LLEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT**

Substantial additions have been made at Conflicts of Interest to reflect rule amendments that became effective on October 1, 2024. A new section on Procurement Training has been added to comply with an addition to the Code of Federal Regulations, effective July 1, 2024.

#### **COB(LLEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS**

Revisions to this policy reflect amendments to federal rules, effective July 1, 2024, changing terminology from "meal supplements" to "afterschool snacks." At Community Eligibility Provision, the minimum identified student percentage has changed from 40 to 25 based on an amended rule effective October 26, 2023. This change will give states and schools more flexibility to offer meals to all enrolled students at no cost when financially viable. Reference links have also been updated.

**Please note:** If your district is participating in the Community Eligibility Provision or Special Assistance Provision 2 program, please review your COB(LOCAL). If the policy is missing language to address the program in place in your district, please contact your policy consultant.

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

The citation at item 48 under Other Required Internet Postings has been updated based on amendments to the Administrative Code.

#### **CQC(LLEGAL) TECHNOLOGY RESOURCES: EQUIPMENT**

Under Transfer of Equipment to Students, a new subsection on Standards has been added based on guidance recently developed by TEA as required by House Bill 18 (88th Regular Session). The standards provide guidance to districts on what electronic devices and software applications are permissible for use in the district.

#### **CV(LLEGAL) FACILITIES CONSTRUCTION**

A Note has been added on page 11 to direct readers to other policies related to interlocal contracts generally and interlocal contracts for purchasing good and services, based on organization of those provisions at different codes.

#### **D(LLEGAL) PERSONNEL**

Provisions on genetic nondiscrimination, previously at DAB, have been moved to DAA, and policy DAB has been deleted. The D section table of contents has been revised to reflect that change.

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

Changes have been made to comport with the new federal Pregnant Workers Fairness Act (PWFA) regulations, effective June 18, 2024.

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

#### **DAB(LEGAL)                      EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION**

Provisions on genetic nondiscrimination have been relocated to DAA(LEGAL) for clarity and continuity, and policy DAB has been deleted. All employment-related nondiscrimination language is now consolidated into DAA(LEGAL).

#### **DBB(LEGAL)                      EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES**

The policy cross-reference at Genetic Information has been updated to DAA to conform with the recoding of the provision there.

#### **DECA(LEGAL)                      LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE**

Cross-references to DAB regarding genetic nondiscrimination have been updated to DAA throughout to conform with provisions recoded at this update.

#### **DECB(LEGAL)                      LEAVES AND ABSENCES: MILITARY LEAVE**

Updated provisions have been included at Federal Military Leave to comport with the Civilian Reservist Emergency Workforce Act of 2022.

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

A new section on Voting reflects existing provisions from the Election Code related to allowing employees time off to vote. This addition was suggested by a member of the Texas Council of School Attorneys, and we agreed it would be a helpful legal reference.

#### **DI(LEGAL)                        EMPLOYEE WELFARE**

Revisions at Reporting Workplace Violence reflect amended Administrative Code rules, which became effective January 8, 2024.

#### **DIA(LEGAL)                      EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

To eliminate duplication and reduce confusion, this legally referenced policy has been substantially revised to recode employee nondiscrimination provisions to policy DAA(LEGAL).

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

Changes to the subsection on Gifted and Talented Education reflect Administrative Code amendments that became effective September 1, 2024.

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

At Pledges of Allegiance, a cross-reference has been added to policy FNA for additional information on patriotic observances.

#### **EFB(LLEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS**

The Note at the beginning of this legally referenced policy has been deleted, as all deadlines to appeal in the *Book People, Inc. v. Wong* case have passed and the injunction put in place by the Fifth Circuit Court of Appeals is now permanent. Other citations to the case have been amended accordingly. Also, the statutory definition of “obscene” has been included in this policy as a legal reference.

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

The Education Code requirement to obtain written consent of a student’s parent before the student may be provided with human sexuality instruction expired on August 1, 2024. The expired subsection has been removed from this legally referenced policy. TEA has issued [guidance](#) about this change. Districts are encouraged to clarify local expectations for parental consent regarding human sexuality instruction in their local student handbook.

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

Several revisions have been made to the Middle School Advanced Math Program section based on new Administrative Code rules, effective July 8, 2024. In the CPR and AED Instruction section, revisions regarding the applicability of the requirements have been made based on rule changes effective August 1, 2024.

#### **EHB(LLEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

This policy includes substantial revisions, most of which are the result of amended Administrative Code rules effective June 30, 2024. At Parental Notice of Assistance for Learning Difficulties, a phrase has been added to item 3e to clarify the content in the cited Education Code provision. A new section with Definitions now found in the Administrative Code has been added. The provisions at Board Action Required and Screening, Testing, and Identification have been updated. Extensive edits at Parent Education are due to revisions from the Administrative Code. Changes include a new paragraph on Instruction and deletion of text related to a dyslexia reading program.

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

Extensive revisions to this legally referenced policy have been made as a result of Administrative Code revisions, effective August 22, 2024. A section on Policies, Procedures, Programs, and Practices has been added, as have provisions addressing Interventions and Sanctions to identify potential consequences for IDEA violations. The paragraph addressing discipline has been removed as the text is no longer in the Administrative Code. The text addressing Instructional Arrangements and Settings includes revisions throughout all subsections, and revisions have also been made to the provisions regarding Other Program Options, Contracts for Services, and Instructional Day. A reference to the applicable Administrative Code provision has been added at Extended School Year Services.

#### **EHBAA(LLEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

Substantial additions and amendments throughout this legally referenced policy reflect changes to the Administrative Code, effective July 30, 2024. A Student Communication section regarding student evalua-

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tion for special education has also been added. The Eligibility and Reevaluations section now includes a Birth Through Age Two subsection to conform to Administrative Code rules.

#### **EHBAB(LLEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM**

Changes to the Administrative Code resulted in updates throughout this legally referenced policy. Details related to the responsibilities of the admission, review, and dismissal committee have been added, and a provision relating to dyslexia is included in the section about Committee Members. Parent Participation includes revisions that became effective July 30, 2024, and a provision on Content of the IEP has been added. Revisions at Supplemental Special Education Services became effective May 28, 2024. Dyslexia and autism components have been amended, along with the Visual Impairment or Hard of Hearing section. Failure to Reach Agreement has also been amended to increase clarity around requirements. Finally, a section addressing the Eligibility Folder has been added and Teacher Access to IEP amended.

#### **EHBAC(LLEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT**

Residential Facilities has been revised in accordance with Administrative Code amendments, effective on August 22, 2024. A reference to the Administrative Code at District Placements points readers to an amended rule regarding the district's ability to contract with a nonpublic or nondistrict operated day program provider. An update at School for the Blind and Visually Impaired and School for the Deaf reflects revisions to the Administrative Code effective August 22, 2024.

#### **EHBAD(LLEGAL) SPECIAL EDUCATION: TRANSITION SERVICES**

Significant revisions at Individual Transition Planning are due to Administrative Code changes effective July 30, 2024. A new subsection on the Transition and Employment Designee required of each district has been added in accordance with rule changes that became effective August 22, 2024.

#### **EHBAAE(LLEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS**

The Prior Notice and Consent section includes provisions to align with revisions to the Administrative Code, effective July 30, 2024. Substantial revisions at Transfer of Rights to Adult Students are to clarify requirements in the Administrative Code.

#### **EHBAB(LLEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

Administrative Code rules regarding gifted and talented students were amended to be effective September 1, 2024. Changes have been made throughout this legally referenced policy to align with the new rules and to clarify requirements.

#### **EHBACA(LLEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

Revisions at Accelerated Instruction reflect changes to the Administrative Code, effective May 22, 2024. A new section at Significantly Below Satisfactory has been included in accordance with Administrative Code revisions. Sections on Repeating a High School Course and Ratio Waiver have also been added due to the revised regulatory guidance.

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

Administrative Code revisions that became effective June 9, 2024, prompted several changes to this legally referenced policy. The subsection relating to Eligibility for high-quality prekindergarten programs has been amended. The eligibility requirements are the same as those listed earlier in the policy for tu-

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tion-free prekindergarten. Rule changes also required other revisions throughout the policy, including to Teacher Requirements and Supervisor Requirements.

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

A rewriting of Administrative Code rules, effective May 16, 2024, led to substantial revisions at Dual Credit Programs and at Dual Credit Agreement. The Administrative Code was amended in a way that allowed deletion of the Education Code requirements regarding agreements, as all requirements are now consolidated in one list at Dual Credit Agreement. Provisions addressing the FAST Program have also been amended to reflect revisions to Administrative Code rules.

#### **EI(LLEGAL)                              ACADEMIC ACHIEVEMENT**

Language relating to instruction in the use of an automated external defibrillators (AED) has been added to the subsection on CPR, pursuant to revisions in the Administrative Code, effective August 1, 2024.

#### **EIE(LLEGAL)                            ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION**

At Parental Option to Retain, a subsection on Passing Grades has been added to clarify the legal standard for assignment of grades when a course is retaken after a passing grade.

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

A reference has been included in this policy pointing to the Administrative Code rule for further details relating to specific endorsements, including the STEM endorsement, that became effective August 1, 2024. Provisions addressing Physical Education and Other Physical Education Activities have been clarified to align with rule amendments effective August 1, 2024.

#### **EKBA(LLEGAL)                        STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS**

Revisions throughout the policy reflect amended Administrative Code rules, effective September 24, 2024, and the provisions have been reorganized for clarity and ease of reading.

#### **ELA(LLEGAL)                        CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS**

An expired Administrative Code provision addressing partial year as it relates to charter partnerships has been deleted. Administrative Code changes, effective March 26, 2024, also resulted in the removal of a provision regarding appeals of a decision made by TEA to deny, remove, or return an eligibility approval request.

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

The subsection previously titled Threat Assessment Team has been revised to include "Safe and Supportive Schools" to align with terminology used by TEA.

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

The Definitions section of this legally referenced policy has been revised to better define Child Abuse and Neglect by including detailed language from the Family Code.

#### **FFH(LLEGAL)                        STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

This legally referenced policy has been updated to remove an editor's note that is no longer applicable since a Texas federal court enjoined the Office for Civil Rights from enforcing this interpretation of the Ti-

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the IX rules in June 2024. Policy Service issued a Policy Alert notifying districts of this change in July 2024.

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

In the UIL Allotment section, a robust Definitions section has been added in accordance with revisions to Administrative Code rules, effective on August 4, 2024.

#### **FNA(LEGAL)                      STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION**

Under Patriotic Observances, a reference to policy EC has been added to provide additional information regarding pledge of allegiance requirements.

#### **FOF(LEGAL)                      STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES**

A paragraph regarding the discipline of students with disabilities been removed from the Students Receiving Special Education Services section due to amendments to the Administrative Code that became effective July 30, 2024.

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

New provisions addressing Web Content and Mobile App Accessibility have been added based on revisions found in the Code of Federal Regulations.

#### **GRB(LEGAL)                      RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS**

Revisions to this legally referenced policy are based on the requirements of the Interlocal Cooperation Act. Details that were formerly in CH(LEGAL) have been recoded here to ensure all general interlocal agreement requirements are consolidated into one location. A citation to CNA(LEGAL) has been added to point readers to additional information relating to the operation of a transportation system.