

Explanatory Notes

TASB Localized Policy Manual Update 91

District: Brackett ISD

ATTN (LOCAL) POLICY REVIEW

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to bills from the 82nd Regular Legislative Session. Bills from the First Called Session of the 82nd Legislature are so noted. All referenced bills have already gone into effect unless otherwise noted.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

New provisions from SB 738 have been added on page 6 at PARENT REQUEST. The parents of a majority of the students enrolled at a campus that has had an unacceptable performance rating for three consecutive years after the campus is reconstituted can sign a petition specifying which action—either repurposing, alternative management, or closure—the commissioner should order. The commissioner must order the specific action requested by the petition unless the school board presents a written request specifying a different action, in which case the commissioner may order the action that the board requested.

B (LEGAL) LOCAL GOVERNANCE

We have revised the B section table of contents to rename BJCG Superintendent, Resignation.

BBA (LEGAL) BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

To be elected as a board member, a person must be a qualified voter. A change from HB 1226 modifies the definition of QUALIFIED VOTER to clarify that a person is not considered to have been finally convicted of a felony and therefore disqualified from voting if criminal proceedings are deferred without an adjudication of guilt.

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

Multiple bills affected school board elections. Significant changes are described with the relevant bill number in parenthesis. **Please note that the provisions that come from SB 100 are not applicable to November 2011 elections.** TASB Legal Services has published Frequently Asked Questions providing further information on conducting your district's elections under SB 100 available at: http://www.tasb.org/services/legal/esource/governance/documents/sb100_elec_related_changes_aug11.pdf.

At ADJUSTMENTS, a board may adopt a resolution by December 31, 2011, to change the length of board member terms, which must consist of staggered three- or four-year terms. Changes are effective with the first regular election occurring after January 1, 2012. (SB 100)

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In addition, the Election Code now permits a local governmental entity to change to a November election date, and adjust terms accordingly, if done by December 31, 2012. See CHANGING TO NOVEMBER ELECTION DATE. (SB 100, HB 1545)

To satisfy JOINT ELECTION requirements, a school district may now hold a joint election with a college district in which the school district is wholly or partly located. (SB 729) Also at this margin note, we have added existing statutory provisions that define the general election for state and county officers and that allow school districts in certain counties to hold joint elections with hospital districts.

Although a county elections administrator must usually provide ELECTION SERVICES for a school district if requested to do so, a new provision provides that a county elections administrator is not required to provide election services for an election held in May in an even-numbered year. (SB 100)

The dates by which a district must complete its ELECTION ORDERS were revised. For an election held on a date other than the November uniform date, the election must be called not later than the 71st day before election day. For an election held on the November election date, the election must be called by the 78th day, rather than the 70th day, before election day. (SB 100) The election order and the ELECTION NOTICE now only have to state the location of the *main* rather than *each* early voting polling place. (HB 2817)

At PUBLICATION, the notice of election must now be preserved for six months after election day, rather than 22 months. (HB 2817)

A district must post the filing NOTICE TO CANDIDATES not later than the 30th day before the *last* day (rather than the *first* day) on which a candidate may file an application for a place on the ballot. In addition, for a general election for state and county officers, a school district is no longer required to post filing information for candidates. (HB 2817)

The filing dates for GENERAL ELECTIONS and SPECIAL ELECTIONS are now earlier, as are the deadlines to submit a declaration of WRITE-IN CANDIDACY. (SB 100)

At ELECTION JUDGES AND CLERKS, a new provision states that the nepotism prohibitions do not apply to an appointment of an election clerk if the clerk is not related within the first degree by blood or marriage to an elected official of the district. (HB 2194)

We have deleted the factors that the director of the federal census uses to determine whether a district is required to provide bilingual education materials, since the district does not make this determination. If the federal census director determines that a district must provide election materials in a language other than English or Spanish, the district must provide the materials in the same manner in which the district would be required to provide materials in Spanish, to the extent practicable. See BILINGUAL MATERIALS — OTHER LANGUAGES. (HB 2477)

BBFB (LEGAL) ETHICS
 PROHIBITED PRACTICES

As a result of SB 6 (First Called Session), we have revised provisions on textbook violations, beginning on page 5, to refer to instructional materials and instructional materials funds.