



# UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

**TOPIC:** Review of LEGAL Policies in TASB Update 100

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

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** August 13, 2014

Review of LEGAL Policies in TASB Update 100.

See attached list.

AIB	(LEGAL)	ACCOUNTABILITY PERFORMANCE REPORTING
BQA	(LEGAL)	PLANNING AND DECISION-MAKING PROCESS DISTRICT-LEVEL
BQB	(LEGAL)	PLANNING AND DECISION-MAKING PROCESS CAMPUS-LEVEL
CKE	(LEGAL)	SAFETY PROGRAM/RISK MANAGEMENT SECURITY PERSONNEL
CKE	(REGULATION)	SAFETY PROGRAM/RISK MANAGEMENT SECURITY PERSONNEL
CMD	(LEGAL)	EQUIPMENT AND SUPPLIES MANAGEMENT INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING
CPC	(LEGAL)	OFFICE MANAGEMENT RECORDS MANAGEMENT
CRD	(LEGAL)	INSURANCE AND ANNUITIES MANAGEMENT HEALTH AND LIFE INSURANCE
DECB	(LEGAL)	LEAVES AND ABSENCES MILITARY LEAVE
DMA	(LEGAL)	PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT
EHDB	(LEGAL)	ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION
EIC	(LEGAL)	ACADEMIC ACHIEVEMENT CLASS RANKING
FEA	(LEGAL)	ATTENDANCE COMPULSORY ATTENDANCE
GB	(LEGAL)	PUBLIC INFORMATION PROGRAM
GBA	(LEGAL)	PUBLIC INFORMATION PROGRAM ACCESS TO PUBLIC INFORMATION
GBAA	(LEGAL)	INFORMATION ACCESS REQUESTS FOR INFORMATION
GKA	(LEGAL)	COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

# Explanatory Notes

## TASB Localized Policy Manual Update 100

District: United 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

In this legally referenced policy addressing security personnel, we have added a table of contents, re-ordered several provisions, and made revisions to better reflect statutory text. We have also added the following material:

- Existing statutory provisions addressing POWERS AND DUTIES of peace officers, on page 2;
- Beginning on page 8, provisions on school marshals from HB 1009 from the 83rd Texas Legislature, Regular Session;



## Explanatory Notes

### TASB Localized Policy Manual Update 100

- At CONCEALED HANDGUN LICENSEES on page 10, existing statutory provisions and a recent attorney general decision on authorizing employees to carry firearms on district property; and
- Existing statutory provisions addressing SCHOOL RESOURCE OFFICERS beginning on page 10, including a definition, licensing requirements, and provisions on firearms accident prevention training.

**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

We offer for your consideration our recommended policy addressing district police departments and police officers to replace the district's locally developed policy. TASB's standard text addresses the same concepts your previous policy included, and incorporates some additional provisions the district's previous policy did not include. Noteworthy provisions of our recommended policy include:

- At DISTRICT POLICE DEPARTMENT, the policy clarifies that the district employs and commissions police officers.
- The text at POLICE AUTHORITY addresses officers' authority within the jurisdiction of the district, whether on or off duty, and replaces the lengthy list of police authority and powers previously included in the policy with broader categories of authority to provide greater flexibility. As required by law, the board must determine the duties performed by the district's peace officers, and those duties must include protecting the safety and welfare of persons within the district's jurisdiction and protecting the property of the district.
- To reflect that not all district police cars will have video equipment, the recommended text at VIDEO MONITORING acknowledges that video equipment will be used "if available." Further changes clarify that police video recordings are considered law enforcement records under FERPA.
- A new provision references the unique COMPLAINT process required by law for district police officers and requires complaints against an officer to be in writing, on a form provided by the district, signed by the complainant, and given to the officer. See CKE(LEGAL) for further information. Appeals regarding this specific complaint process that applies to officers will be filed in accordance with the standard grievance policies: DGBA, FNG, or GF, as appropriate.

Please contact your policy consultant if you have any questions.

CKE            (REGULATION)            SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL

Our records indicate that you have a regulation at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this regulation is obsolete and should be deleted from Policy Service's records of your localized policy manual; or
- If you have revisions that you wish to submit to Policy Service for editorial and legal review and incorporation into Policy Service records.

# Explanatory Notes

## TASB Localized Policy Manual Update 100

### 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.
- 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.

### 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.



# Explanatory Notes

## TASB Localized Policy Manual Update 100

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.

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.

# Explanatory Notes

## TASB Localized Policy Manual Update 100

### 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.

### 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).



# Explanatory Notes

## TASB Localized Policy Manual Update 100

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.

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.

**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).