

AGENDA ITEM
BOARD OF TRUSTEES
AGENDA

<input type="checkbox"/> Workshop	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special
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- (A) ☐ Report Only ☐ Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation.

- (B) ☒ Action Item

Presenter(s): GILBERTO GONZALEZ, Superintendent of Schools
JESUS A. COSTILLA, Executive Director for Human Resources

Briefly describe the action required.

CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE POLICY UPDATE 97 AS RECEIVED FROM THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB).

- (C) Funding source: Identify the source of funds if any are required.

- (D) Clarification: Explain any questions or issues that might be raised regarding this item.



Localized Policy Manual Update 97

Please remember: Log in to **myTASB.tasb.org** and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

Eagle Pass ISD

Update 97 addresses several recent amendments to the Texas Administrative Code. While many of these rule changes may be affected by the 83rd Texas Legislative Session, the update reflects the Administrative Code text currently in effect in an effort to maintain the manual with current law. Major topics affected by the rule changes include instructional materials, bilingual education, communicable diseases, state assessments, and the Texas Virtual School Network. Other changes at Update 97 incorporate federal laws, including new Family and Medical Leave Act rules, a provision from the Fostering Connections to Success and Increasing Adoptions Act, and provisions from the recently enacted Uninterrupted Scholars Act of 2013.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 97 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Vantage Points—A Board Member's Guide to Update 97 may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 97 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant at 800-580-7529 or 512-467-0222.

Regarding board action on Update 97 . . .

- Board action on Localized Update 97 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 97, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 97, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 97 is as follows:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 97 [with the following changes:]”
- The board’s action on Localized Update 97 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library at http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses Policy On Line, you will need to notify us of the board’s action on Update 97 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 97 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 97 policy changes should be inspected and revised by the district as needed.

PLEASE NOTE: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Vantage Points

A Board Member's Guide to Update 97

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**



This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

For further information about Policy Service, check out our Web site at <http://policy.tasb.org>.

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Update 97 addresses several recent amendments to the Texas Administrative Code regarding instructional materials, the Texas Virtual School Network (TxVSN), state assessments, and communicable diseases. While many of these rule changes may be affected by the 83rd Texas Legislative Session, the update reflects the Administrative Code text currently in effect in an effort to maintain the manual with current law. Any changes resulting from the 83rd Legislature will be addressed in future updates. Other changes at Update 97 incorporate federal laws, including a provision from the Fostering Connections to Success and Increasing Adoptions Act, provisions from the recently enacted Uninterrupted Scholars Act of 2013, and new Family and Medical Leave Act (FMLA) rules.

Instruction

Instructional Materials

Changes throughout CMD(LEGAL) at this update reflect amendments to the Administrative Code, effective July 2012, regarding instructional materials care and accounting. The text provides that a district must code its instructional materials allotment as revenue and determine a value for the instructional materials in the district's inventory, since these materials are considered assets. Changes to the text also clarify that instructional materials must be certified prior to the beginning of each school year in a format approved by the Commissioner, and the certifications must be ratified by the board in a public meeting. Details have also been added regarding the procedures for selling or disposing of instructional materials and technological equipment.

TxVSN

New Administrative Code rules regarding the Texas Virtual School Network (TxVSN), effective February 27, 2013, prompted extensive revisions to EHDE(LEGAL). Included in the revisions are new provisions addressing student enrollment in, advancement through, and withdrawal from TxVSN courses, as well as provisions clarifying the fees that may be charged to students.

State Assessments

Amendments to the Administrative Code, effective March 14, 2013, are also reflected at EKB(LEGAL) regarding state assessments, including clarification that a student in grades 3–8 may not be administered the state assessment for his or her enrolled grade level if the student is enrolled in an above-grade-level course. In that case, the student would only be administered the state assessment for the course in which he or she is enrolled. Provisions are also included concerning end-of-course (EOC) assessments for students earning credit by examination or participating in distance learning, including correspondence courses, or in dual credit courses.

At EKBA(LEGAL), provisions on state assessments for English language learners have been revised as a result of Administrative Code changes effective December 22, 2011, and March 27, 2013. The text has been adjusted

throughout to reflect the terminology in the state rules, which use both “English language learner” and “student of limited English proficiency” (LEP) interchangeably, and the subtitle for this code—now “English Language Learners/LEP Students”—has been similarly updated. Changes to the policy also clarify and expand on statutory provisions, including state testing requirements for English language learners and the limited circumstances under which English language learners or LEP students could be exempted from those requirements.

Student Issues

Students in Foster Care

From the federal Fostering Connections to Success and Increasing Adoptions Act of 2008—addressing educational stability for students in foster care, specifically when there are changes in foster placement—a provision has been added at FD(LEGAL) requiring the Department of Family and Protective Services to coordinate with the district to ensure that a child remains in the school in which he or she is enrolled at the time of each foster placement, if that is in the child’s best interest.

Student Records

At FL(LEGAL), two items have been added to the list of people to whom the district may release personally identifiable student information without parental consent: (1) the Secretary of Agriculture or representatives from the Food and Nutrition Service, for purposes related to programs authorized under the National School Lunch Act or the Child Nutrition Act, and (2) caseworkers or other state or local child welfare agency representatives, when the agency has responsibility for the care and protection of the student. The latter comes as a result of amendments to the Family Educational Rights and Privacy Act (FERPA) from the Uninterrupted Scholars Act of 2013, effective January 14, 2013.

Also from the Uninterrupted Scholars Act is a new provision at FL(LEGAL) that permits the district to release subpoenaed records without notifying a student’s parent if the court order is issued as a result of proceedings involving child abuse and neglect or dependency and the parent is a party to those proceedings.

Transportation

CNA(LOCAL) POLICY CONSIDERATIONS

At Update 97, we have made recommended revisions regarding whether the district provides transportation to students for whom the district does not receive state transportation funds, for districts that have this policy and currently address this topic. For districts that do permit those students to use district transportation, that use continues to be subject to time and space limitations and any applicable administrative regulations. Any fees must be

approved by the board. For districts that do not provide transportation to those students, recommended revisions clarify that there are exceptions required by law, such as for students with disabilities and homeless students.

For districts that request funding to transport students who live in hazardous areas within two miles of their school, text is recommended to meet requirements from the TEA Transportation Allotment Handbook that the district have board policy identifying the hazardous conditions, as well as the specific hazardous areas. The recommended policy language requires the board to annually adopt a resolution describing the hazardous conditions and areas so that these descriptions, which could change, do not need to be included in the board-adopted policy. Districts that apply for this funding through TEA but do not address the issue at CNA(LOCAL) are encouraged to contact their TASB policy consultant for assistance.

For districts that currently address bus stops in this policy, the information is better suited to the student handbook and administrative regulations and is recommended for deletion from this local policy.

**Communicable
Diseases**

To more accurately reflect Administrative Code rules, provisions on excluding students from attendance for communicable conditions and diseases have been revised at FFAD(LEGAL).

Employee Issues

**Criminal History
Checks**

DBAA(LOCAL) POLICY CONSIDERATIONS

This local policy is recommended for inclusion in the district's policy manual to address updated guidance issued by the Equal Employment Opportunity Commission (EEOC) in April 2012 regarding the role of arrest and conviction records in employment decisions. The guidance indicates that, even if state law or local policy requires automatic exclusion from employment for a particular offense, a district may not refuse to hire a person who has been convicted of an offense listed in state law or local policy unless the district has determined that its decision is job-related and consistent with business necessity.

The recommended policy text explains the offenses that would disqualify a person from employment and provides that the district will make an individualized assessment of criminal history record information when determining a person's eligibility for employment in a specific position.

Contract Termination	At DFAB(EXHIBIT), there is a new recommended form for documenting the district's method of delivery—including a required attempt at hand delivery—of the board's notice of termination of an employee's probationary contract at the end of the contract period.
FMLA	Based on revised Department of Labor rules published on February 5, 2013, changes at DECA(LEGAL), concerning family and medical leave, deal primarily with military members, including a new option allowing qualifying exigency leave for parental care when the care is necessitated by the military member's, i.e., employee's, covered active duty.
Other Employment Policies	<div> <p><i>DMC(LOCAL) POLICY CONSIDERATIONS</i></p> <p>For districts that have professional development provisions at this code based on the concepts of the Texas Teacher Career Ladder, which the legislature abolished in 1993, we recommend deletion of this local policy from the district's policy manual.</p> </div> <div> <p><i>DPB(LOCAL) POLICY CONSIDERATIONS</i></p> <p>This local policy addressing substitute teachers is also recommended for deletion from the district's policy manual, as it no longer matches the practices of many districts and contains administrative details not necessary for inclusion in board policy.</p> </div>
Workers' Compensation Benefits	At CRE(LEGAL), an existing statutory provision has been added that would let a board choose to cover board members and paid election workers as employees for purposes of workers' compensation.
Media Relations	<div> <p><i>GBBA(LOCAL) POLICY CONSIDERATIONS</i></p> <p>For districts that have a local policy at this code regarding relations with the news media, we recommend revisions to the text for clarity, as well as addition of a new provision designating the superintendent as the district's official spokesperson during a crisis situation, and deletion of obsolete text regarding the broadcast of school events.</p> </div>
More Information	For further information on these policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your localized update packet.

(LOCAL) Policy Action List

EAGLE PASS ISD(159901) - Update / LDU 97

TASB attorneys recommend that posting board action on policies be specific enough to advise staff and members of the public of the changes. For that purpose, TASB recommends the following wording for meeting notices:

- for TASB-initiated localized updates:
“Policy Update ____, affecting local policies (see attached list)”
- for district-initiated Local District Updates:
“Local District Update ____, affecting local policies (see attached list)”

In both cases, TASB Policy and Legal Services recommend that the policy changes—each addition, deletion, or replacement—be listed in alphabetical order by policy code, title and subtitle. The following document is our compilation of that list, which may be copied and pasted into your meeting notice as well as into staff communications of board action and board meeting minutes.

(LOCAL) Policy Action List

EAGLE PASS ISD(159901) - Update / LDU 97

DBAA(LOCAL): EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - CRIMINAL
HISTORY AND CREDIT REPORTS