

# Vantage Points

## A Board Member's Guide to Update 111

**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 brief 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.

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](mailto:policy.service@tasb.org), or call us at 800-580-7529 or 512-467-0222.

For more information about Policy Service, visit our website at <http://policy.tasb.org>.

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 adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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Update 111 focuses on updating (LEGAL) policies that were affected by changes in law from the 85th Legislative Session and recent administrative rule changes. Several (LOCAL) policies have been updated to better align with changes in law or administrative rules or for organizational and restructuring purposes.

**Innovation  
Districts**

Policy AF(LEGAL) has been updated to include provisions from revised Administrative Code rules that address the laws from which an innovation district may not be exempted and clarify a district's posting and notification responsibilities regarding an innovation plan.

**Accountability**

Additional provisions from the Every Student Succeeds Act (ESSA) have been included in AID(LEGAL) to address the requirements for the district's plan that must be in place to receive certain Title I funds, the identification of schools needing support and improvement, and the district's required actions when schools in the district are identified for support and improvement.

**District  
Governance**

Significant changes have been made at BBD(LEGAL) to reflect revised Administrative Code rules, including:

**Board Training**

- Information addressing the State Board of Education (SBOE) commendations for board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool or any other tool approved by the commissioner;
- Clarification that team building must be at least three hours in length and that the local orientation can occur one year before or 120 days after the board member's election or appointment; and
- Stemming from Senate Bill 1566 (85th Legislative Session), the new requirement that each board member must complete a three-hour continuing education training every two years on evaluating student performance.

The administrative rules also specify that the report on board members' continuing education must occur at the last regular board meeting before the board election and that this information must be reflected in the board meeting minutes. If a board member is deficient in continuing education credit as of the anniversary of his or her joining the board, in addition to the deficiency being announced during the board meeting, the deficiency must be posted on the district's website within ten business days of the meeting and must remain posted until the trustee meets the requirements.

See TASB Legal Services' eSource on [TASB.org](http://TASB.org) for detailed information about the new reporting requirements.

### ***BBD(LOCAL) POLICY CONSIDERATIONS***

The changes in the administrative rules have also been addressed at BBD(LOCAL). As a best practice to promote transparency, the recommended text provides that the board president will annually announce the status of a board member's continuing education credit at the last regular board meeting before the district's regular uniform election date, even if an election is not scheduled or held. If the district will have a different practice, a policy adjustment will be needed.

#### **Superintendent**

Revisions have been made to several policies addressing the superintendent's employment, including BJCE(LEGAL) to remove a reference to an outdated Fifth Circuit court case and BJCG(LEGAL) to align the policy text with statute. The text now included in BJC(LEGAL) is existing statutory text permitting the board to amend the terms of a superintendent contract on the basis of a declared financial exigency.

Similar to the revision at BJCE(LEGAL), references to the outdated court case have been deleted from DCE(LEGAL) and DFBA(LEGAL).

#### **Reports**

The list of reports at BR(LEGAL) has been updated to include the report on board member continuing education training and to remove the requirement for a district not participating in TRS ActiveCare to file a compliance report with TRS, although the district must still prepare a compliance report.

#### **Finances**

Policy CBB(LEGAL) has been significantly reworked to provide more thorough coverage of the relevant laws on retirement and insurance contributions and the Education Department General Administrative Regulations (EDGAR).

#### **Federal Funds**

#### **Financial Reports**

Revisions to CFA(LEGAL), the policy on financial reports and statements, incorporate new administrative rules that address the district's annual local debt report.

#### **Investments**

The definition of "business organization" has been moved in CDA(LEGAL) to clarify that it only applies to the provisions on sellers of investments, which require a district to provide a written copy of its investment policy to any business organization offering to engage in an investment with the district.

#### **Financial Ethics**

### ***CAA(LOCAL) POLICY CONSIDERATIONS***

CAA(LOCAL) addresses fraud and financial impropriety. Local policy language is recommended to clarify that fraud reports may be made to any person with authority to investigate the alleged activity, including to any of the other individuals currently listed in the policy. This aligns the policy text

with state law, which prohibits a district from requiring an employee to report only to certain persons a crime witnessed at the school.

## **Safety and Security**

### **Criminal History**

Effective November 29, 2017, Administrative Code rules addressing criminal history of service contractors were repealed, which prompted revisions throughout CJA(LEGAL). Provisions have been reorganized for consistency with the criminal history requirements for certain public contractors, and existing statutory provisions were added to address the district's authority to obtain Department of Public Safety (DPS) criminal history record information.

#### ***CJA(LOCAL) POLICY CONSIDERATIONS***

Policy CJA(LOCAL) includes provisions as permitted by state law that authorize the district employee in charge of a facility to determine whether an employee of a contracting or subcontracting entity, who does not have the required criminal history review or who has a disqualifying conviction, will be permitted to enter a district facility in an emergency accompanied by district staff.

Regarding employees, DBAA(LEGAL) has been revised to include amended administrative rules specifying that the State Board for Educator Certification (SBEC) may sanction an educator who hires an applicant even if the educator knew that applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

### **Security Personnel**

Revisions at CKE(LEGAL), addressing security personnel, include a reference to a court case regarding complaints against district peace officers. Additional details from administrative rules on the school marshal program were added, which permit the district to pay for required marshal training and address required reports to the Texas Commission on Law Enforcement (TCOLE).

### **Firearms**

#### ***DH(LOCAL) AND GKA(LOCAL) POLICY CONSIDERATIONS***

Most districts' policies at DH(LOCAL) and GKA(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a Texas handgun license holder, whether an employee or a non-employee, stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such a person to have a loaded handgun or firearm under these circumstances. If the board would

like to revise these policies to permit loaded firearms, have your superintendent contact the district's policy consultant.

**District  
Operations**

The integrated pest management program (IPM) provisions have been updated in CLB(LEGAL) as a result of new administrative rules effective January 9, 2018. The revisions include new definitions, more details on the required parental notifications regarding application of pesticides [also added at FD(LEGAL)], and new provisions to address emergency exceptions to the notice requirements and potential waivers from inspections.

**Pest  
Management**

**Facility  
Standards**

Significant revisions have been made to CS(LEGAL), the policy on facility standards, to provide more complete coverage of relevant laws, to include a recent attorney general opinion regarding application of the International Energy Conservation Code to public school buildings, and to better match statutory wording.

**Other District  
Operations**

Other legally referenced policies addressing district operations have also been updated, including:

- The deletion of outdated administrative rules in CQA(LEGAL) that required the district to post locally determined performance ratings and compliance status on the district's website.
- Minor revisions to CNB(LEGAL) to better reflect statute regarding district vehicles.
- The removal of a state law provision in CO(LEGAL), regarding food services, that was no longer aligned with federal law.

**Curriculum and  
Instruction**

EHAD(LEGAL) has been revised to include current administrative requirements for a driver education course.

**Instruction**

Provisions addressing dual credit programs have been revised in EHDD(LEGAL) to reflect amended administrative rules, which require dual-credit partnership agreements to address defined sequences of courses where applicable.

**Instructional  
Materials**

Policy EFB(LEGAL) has been updated to include the revised standards for school library programs adopted by the Texas State Library and Archives Commission. A district must consider the standards in developing, implementing, or expanding its library services.

The changes at CMD(LEGAL) regarding instructional materials have been made to more closely match statutory provisions.

**Campus Charters** ELA(LEGAL) is a new legally referenced policy that includes material on partnership charters. The new administrative rules provide significant guidance for districts that choose to contract with a partner to operate a district campus to receive accountability and financial benefits in accordance with state law. With the addition of this new legally referenced policy, all provisions addressing partnership charters have been removed from EL(LEGAL).

**School Calendar** Effective with the 2018–19 school year, House Bill 2442 (85th Legislative Session) impacted two legally referenced policies, EB(LEGAL) and EC(LEGAL).

Policy EB(LEGAL) has been revised to clarify that the required 75,600 minutes are for operation, not just instruction. Provisions also permit the commissioner to reduce funding to a district providing fewer than 75,600 minutes of operation. New provisions also allow exemptions from the minimum minutes of operation for certain instructional programs.

Removed from EC(LEGAL) is the provision requiring a school day to be at least seven hours long and a day of instruction to include 420 minutes of instruction, since this requirement has been deleted from statute.

A similar revision has been made at FOCA(LEGAL) to remove the requirement that a school day at a disciplinary alternative education placement (DAEP) program be between seven and ten hours long.

**State Assessments** At EKB(LEGAL), the policy addressing state assessments, the list of conduct that violates the security and confidentiality of a state assessment has been updated to match the *2018 Test Security Supplement*. The list of penalties has also been updated to permit the imposition of additional conditions or restrictions upon an SBEC certificate to aid in the rehabilitation and professional development of the educator who violated test security or confidentiality or to protect students, parents, school officials, or personnel. EKBA(LEGAL) has been revised to remove outdated provisions associated with the repeal of administrative rules and the removal of inapplicable language related to the Texas Assessment of Knowledge and Skills (TAKS).

**Special Education** Legally referenced policies addressing special education services have been updated to reflect:

- Current Administrative Code rules on transition planning [see EHBAB(LEGAL) and EHBAD(LEGAL)]; and
- Appropriate legal citations and additional details in existing law regarding the transfer of rights to adult students [see EHBAE(LEGAL)].

**Special  
Programs**

Outdated provisions that capped the percentage of compensatory education funds that could be used for DAEP expenditures and that addressed the development of college preparatory courses for the 2014–15 school year have been removed from EHBC(LEGAL).

EHBD(LEGAL), addressing Title I funds, has been revised to include additional provisions on fiscal requirements, including maintenance of effort, the use of funds to supplement state and local funds, and prohibited uses of funds.

**Graduation**

Provisions regarding notification about automatic admission requirements have been added to EIC(LEGAL) in response to administrative rule changes.

At EIF(LEGAL), in addition to adjusting the school years for applicable provision and including references to relevant Administrative Code provisions, we have added new administrative rules implementing Senate Bill 463 (85th Legislative Session). The new rules permit a district to award a diploma to an individual who entered grade 9 before the 2011–12 school year and who has completed the applicable curriculum requirements, but who has not successfully passed the relevant exit-level assessment required for graduation after at least three tries. To graduate, the student must meet the alternative requirements for graduation in the Administrative Code or the local alternative requirements approved by the board. Information to assist districts in developing these requirements for board approval was e-mailed to superintendents, administrative assistants, and policy contacts on April 30, 2018.

**Employment**

Amended administrative rules are reflected at DF(LEGAL), the policy that addresses termination of an employee. The new rules specify that SBEC can sanction an educator who does not discharge an employee if the educator knew that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor. [See also DBAA for information on sanctions against an educator who does not refuse to hire an applicant with the same criminal history described here.]

Policy DC(LEGAL), addressing employment of retirees, has been revised based on amended administrative rules to describe additional employment relationships with retirees that are considered “employment relationships” for purposes of the limits on employment after retirement. Additional revisions have been made regarding the required monthly certified statement of employment.

A minor change at DBA(LEGAL) is from amended administrative rules and permits an employee to verify rather than sign his or her original service record.

## Insurance

CRG(LEGAL), addressing annuities, has been revised to align with amended administrative rules and reorganized for a more appropriate flow. The revisions at CRD(LEGAL) have been made to incorporate other changes to administrative rules and to better match statute.

## Compensation

### ***DEA(LOCAL) POLICY CONSIDERATIONS\****

\*The changes to this policy will only be applicable to districts that currently have language in their policy authorizing pay to employees during emergency closings or that have text addressing premium pay for employees required to work during an emergency closure.

We have revised this local policy to clarify the district's current policy provision on compensation payments to employees during emergency closings. The revised text creates a default for the board to pay employees for their regular duty schedule during a closing, but provides the board flexibility to decide otherwise through board action. In addition, the text requires the board, following a closure, to adopt a resolution or take other board action to establish the purpose and parameters for such payments.

For those districts with policies permitting premium pay during disasters, the text has been aligned with the current Federal Emergency Management Agency (FEMA) Public Assistance Program and Policy Guide (PAPPG). The PAPPG provides that FEMA determines eligibility for public assistance funding for overtime, premium pay, and compensatory time costs based on the district's written policy in place before the disaster, provided the local policy:

- Does not make the wage payments contingent on federal funding;
- Is applied uniformly regardless of whether there has been a presidential declaration of a disaster; and
- Has nondiscretionary criteria for when the district activates various pay types.

Based on that guidance, the policy revisions recommended in this update replace text limiting premium pay to a federally declared disaster and instead authorize premium pay during an emergency closing for a broader set of disasters, to include a disaster declared by a federal, state, or local official or the board.

Please note that the availability of funds for reimbursement after a disaster includes a case-by-case determination by FEMA based on all of the eligibility requirements in the PAPPG and law.

## Employee Conduct

Additional provisions from the federal Drug-Free Workplace Act were included at DH(LEGAL) to provide a more complete explanation of the requirements.



**DI(LOCAL) POLICY CONSIDERATIONS**

With the changes at DH(LEGAL) described above and those made to DH(LOCAL) in Update 109, we recommend the deletion of DI(LOCAL), which addresses the drug-free awareness program.

**DHE(LOCAL) POLICY CONSIDERATIONS**

The recommended revisions in DHE(LOCAL), which addresses searches and alcohol/drug testing of employees, are to clarify that a district may remove from duty and require testing of an employee if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of district policy. The new text also addresses consequences for an employee's refusal to comply with testing and for violation of the district's drug and alcohol policy.

Recent changes to SBEC rules prompted revisions to DHB(LEGAL) to clarify reportable employee misconduct and to require the report to address current employment status, including pending actions and whether law enforcement or another agency is involved.

**Counseling /  
Academic  
Guidance**

Provisions on academic counseling have been moved from EJ(LEGAL) to FFEA(LEGAL), which will now result in all counselor-related duties being housed in one code. Provisions on transcript and diploma notations that were previously at EJ(LEGAL) have been moved to EI(LEGAL).

**Certification**

Provisions on principal certification have been updated to provide a more complete explanation of the requirements.

**Student Issues****Attendance****FEA(LOCAL) POLICY CONSIDERATIONS**

A recommended revision to this local policy on compulsory attendance requires the district to excuse a student who is 17 years of age or older for up to four days during the student's enrollment in high school in order for the student to pursue enlistment in the armed services.

At FEB(LEGAL), the policy on attendance accounting, revisions have been made to better align the text with statute and to add appropriate cross-references.

**Physical  
Examinations /  
Immunizations**

Legally referenced policies on wellness and health services have been revised as follows:

- Spinal screening provisions have been updated at FFAA(LEGAL); and
- Provisions at FFAB(LEGAL) regarding immunization records have been revised to more accurately reflect current statute.

**Student Conduct**

To facilitate locating the appropriate policy when circumstances warrant, a note has been added to FFH(LEGAL), the legally referenced policy on sexual harassment, to provide a reference to FB(LEGAL), which addresses discrimination on the basis of disability, sex, and other protected characteristics.

FOF(LEGAL) includes additional information on requirements when expelling a student with a disability.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

District: San Diego ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

**Legal Services Update Memo:** New with this update, TASB Legal Services' Legal Issues in Update 111 memo (available on myTASB at [https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal\\_issues\\_u111.aspx](https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx)) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

**References to Legislative Bills:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 85th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

AF (LEGAL) INNOVATION DISTRICTS

This legally referenced policy on innovation districts has been updated to include revised Administrative Code provisions effective January 31, 2018. These provisions address the areas of law from which an innovation district may not be exempted (see Prohibited Exemptions) and clarify a district's obligation to post the innovation plan on the district's website and, within 15 days of adoption, amendment, or renewal, provide a copy of the plan to TEA. (See Notice to TEA.)

AID (LEGAL) ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

This legally referenced policy on federal accountability standards has been revised to include additional provisions from the Every Student Succeeds Act, including the elements of the required district plan, the identification of schools for support and improvement, and the district's required actions when schools are identified for support and improvement.

BBD (LEGAL) BOARD MEMBERS  
TRAINING AND ORIENTATION

Revisions to this legally referenced policy on board member training are from revised Administrative Code rules effective June 13, 2018, which incorporate changes from SB 1566. Significant changes are as follows.

- The State Board of Education (SBOE) shall commend board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool or any other tool approved by the commissioner.
- Reporting of continuing education must occur at the last regular board meeting before an election of trustees. The minutes for that meeting must reflect whether each board member met or is deficient in the continuing education requirements and, if a trustee is deficient in training as of the anniversary of his or her joining the board, must be posted online within ten business days and until the trustee meets the requirements.
- A board member must participate in a local district orientation within one year before or 120 days after the board member's election or appointment.
- The annual team-building session must be at least three hours in length.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

- Each board member must complete a three-hour continuing education training every two years on evaluating student academic performance. This training may be completed up to one year before election and must be completed no later than 120 days after election or appointment. In the circumstances outlined in the policy, this training can also satisfy team-building training.

TASB Legal Services has published three documents that provide more detailed information about these changes:

- Texas School Board Member Continuing Education answers frequently asked questions about board member training as required by the SBOE.
- Transitioning to New Time for Board Training Credit Announcements describes new reporting requirements for board member continuing education credit.
- Board President Announcement on Continuing Education of Board Members offers board presidents instructions and a sample script for making the board's annual announcement of training credit.

#### BBD            (LOCAL)            BOARD MEMBERS TRAINING AND ORIENTATION

As described above at BBD(LEGAL), revised Administrative Code rules incorporate board member continuing education requirements from SB 1566. The law requires the board president to announce board member continuing education status at the last regular board meeting before trustee elections. The revisions to this local policy are recommended as best practice to promote transparency and clarify that the board president will annually announce the status of each board member's continuing education at the last meeting before the district's regular uniform election date, even if an election is not scheduled or held, such as when a district does not conduct annual elections or when an election is canceled. Please contact your policy consultant for an adjustment to this policy if your district will have a different practice for announcing continuing education credit when an election is not held.

#### BJC            (LEGAL)            SUPERINTENDENT CONTRACT

This legally referenced policy has been revised to add an existing statutory provision allowing the board to amend the terms of a superintendent's term contract on the basis of a declared financial exigency.

#### BJCE          (LEGAL)            SUPERINTENDENT SUSPENSION/TERMINATION DURING CONTRACT

This legally referenced policy on suspension or termination of a superintendent's contract has been revised to add provisions from existing rule, better match statutory wording, and delete a reference to an outdated case.

#### BJCG          (LEGAL)            SUPERINTENDENT RESIGNATION

This legally referenced policy on superintendent resignation has been revised to better match statutory wording and to add a cross-reference to BJC, on superintendent contracts.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

#### BR (LEGAL) REPORTS

Based on revised administrative rules effective June 13, 2018, we have added a reference to the required report regarding board member continuing education. (See item 7 and BBD(LEGAL), above.)

A revision from SB 1664 clarifies that a district that does not participate in TRS ActiveCare is no longer required to file its compliance report with TRS. (See item 18 and CRD(LEGAL), below.)

#### CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES FINANCIAL ETHICS

A revision to this policy on fraud and financial impropriety is recommended to clarify that reports of suspected impropriety may be made to a person who has authority to investigate the alleged activity, including the other individuals listed in the policy. This revision aligns the district's policy with Education Code 37.148, which prohibits a district from adopting a policy that requires an employee to report only to certain persons or peace officers a crime witnessed at the school. (See Reports.)

#### CBB (LEGAL) STATE AND FEDERAL REVENUE SOURCES FEDERAL

This legally referenced policy addressing state and federal revenue sources has been significantly re-worked to provide more complete coverage of the relevant laws on retirement and insurance contributions and EDGAR and to better match statutory wording. Other relevant purchasing policies within the policy manual have been updated with cross-references to this policy for additional legal requirements applicable to purchases with federal funds.

#### CDA (LEGAL) OTHER REVENUES INVESTMENTS

We have moved the definition of "business organization" within this legally referenced policy to clarify that it only applies to the provisions at Sellers of Investments, requiring a district to provide a written copy of its investment policy to any business organization offering to engage in an investment transaction with the district.

#### CFA (LEGAL) ACCOUNTING FINANCIAL REPORTS AND STATEMENTS

Revisions to this legally referenced policy on financial reports and statements are to incorporate new administrative rules effective January 3, 2018. The rules expand on statutory provisions addressing the annual local debt report, including what the report must address, the comptroller-developed form for the report, and submission and posting procedures.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

**CJA            (LEGAL)            CONTRACTED SERVICES  
CRIMINAL HISTORY**

Effective November 29, 2017, Administrative Code rules addressing criminal history of service contractors were repealed, prompting revisions throughout this legally referenced policy. Other changes were to reorganize the provisions for consistency with the criminal history requirements for certain public works contractors and to add an existing statutory provision about the district's authority to obtain DPS criminal history record information.

Additional information may be found in TASB Legal Services' [Criminal History Reviews of Contractor Employees](#), which answers frequently asked questions about criminal background checks and contractor employees, including forms for contractors to certify compliance to the school district.

**CJA            (LOCAL)            CONTRACTED SERVICES  
CRIMINAL HISTORY**

As permitted by law, text at Emergencies authorizes the district employee in charge of a facility to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history review, or who has a disqualifying conviction, will be permitted to enter the facility in an emergency.

Additional information on [criminal history reviews of contractor employees](#) may be found in TASB Legal Services' eSource.

**CKE            (LEGAL)            SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL**

Revisions to this legally referenced policy on security personnel include:

- The addition of a court case that provides guidance on the Government Code Chapter 614 provisions addressing complaints against district peace officers; and
- Additional detail from existing administrative rules on the school marshal program, including the option for a district to pay for the required marshal training and information on required reports to the Texas Commission on Law Enforcement (TCOLE) by the district and school marshal.

**CLB            (LEGAL)            BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT  
MAINTENANCE**

The integrated pest management program provisions have been updated as a result of new administrative rules effective January 9, 2018. The policy revisions include new definitions, more details on the required notification to parents regarding application of pesticides, and the addition of provisions addressing Texas Department of Agriculture inspections and emergency exceptions to notice requirements.

**CMD            (LEGAL)            EQUIPMENT AND SUPPLIES MANAGEMENT  
INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING**

This legally referenced policy on instructional materials has been revised to better reflect statutory wording.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

**CNB            (LEGAL)            TRANSPORTATION MANAGEMENT  
DISTRICT VEHICLES**

This legally referenced policy on district vehicles has been revised to better reflect statutory wording.

**CO            (LEGAL)            FOOD SERVICES MANAGEMENT**

We have removed a state law provision addressing sanctions by the Texas Department of Agriculture that no longer aligns with federal law, and we have revised text to better match statutory wording.

**CQA            (LEGAL)            TECHNOLOGY RESOURCES  
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES**

We have deleted the requirement to post on the district's website locally determined performance ratings and compliance status, as the corresponding administrative rule was repealed effective December 5, 2017. Citations have also been adjusted.

**CRD            (LEGAL)            INSURANCE AND ANNUITIES MANAGEMENT  
HEALTH AND LIFE INSURANCE**

This legally referenced policy on health and life insurance has been significantly reworked to provide more complete coverage of the relevant laws, to include revisions based on amended administrative rules effective November 14, 2017, and to better match statutory wording.

**CRG            (LEGAL)            INSURANCE AND ANNUITIES MANAGEMENT  
DEFERRED COMPENSATION AND ANNUITIES**

Existing statutory provisions have been added regarding deferred compensation plans to include the requirement to designate a plan administrator, the plan administrator's duties, and the factors for an investment product to be classified as a qualified investment product. Changes to the Annuities—Section 403(b) definitions are a result of amended administrative rules effective December 12, 2017. Other revisions are to reorder provisions for better flow and to better match statutory wording.

**CS            (LEGAL)            FACILITY STANDARDS**

This legally referenced policy on facility standards has been significantly reworked to provide more complete coverage of the relevant laws, to include a recent attorney general opinion regarding application of the International Energy Conservation Code to public school buildings, and to better match statutory wording.

**DBA            (LEGAL)            EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS**

A change at Former Employees on page 18 is from amended administrative rules effective March 4, 2018, and allows an employee to "verify" rather than "sign" the original service record, which provides districts more flexibility in how the employee can confirm the service record.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

**DBAA      (LEGAL)      EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CRIMINAL HISTORY AND CREDIT REPORTS**

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not refuse to hire an applicant if the educator knew, or should have known through a criminal history review, that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Refusal to Hire Convicted Applicants, Sanctions.)

**DC      (LEGAL)      EMPLOYMENT PRACTICES**

Revisions to this legally referenced policy addressing employment of retirees are from amended administrative rules effective November 14, 2017. The changes describe additional employment relationships with retirees that are considered employment for purposes of the limits on employment after retirement and that must be reported for the first 12 full consecutive months after retirement. (See Employment of Retirees.)

**DCE      (LEGAL)      EMPLOYMENT PRACTICES  
OTHER TYPES OF CONTRACTS**

An outdated case has been deleted from this legally referenced policy.

**DF      (LEGAL)      TERMINATION OF EMPLOYMENT**

Amended administrative rules effective March 8, 2018, specify that the State Board for Educator Certification may sanction an educator who does not discharge an employee if the educator knew, or should have known through a criminal history review, that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor. (See Discharge of Convicted Employees, Sanctions.)

**DFBA      (LEGAL)      TERM CONTRACTS  
SUSPENSION/TERMINATION DURING CONTRACT**

An outdated case has been deleted from this legally referenced policy and, based on revised administrative rules effective March 8, 2018, citations have been updated.

**DH      (LEGAL)      EMPLOYEE STANDARDS OF CONDUCT**

Additional provisions of the federal Drug-Free Workplace Act are included to provide a more complete explanation of the requirements.

**DH      (LOCAL)      EMPLOYEE STANDARDS OF CONDUCT**

Most districts' policies at DH(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a district employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an employee to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district's policy.



## Explanatory Notes

### TASB Localized Policy Manual Update 111

TASB Legal Services has detailed information about firearms on school property and at school activities and the circumstances under which a school district may authorize personnel to carry firearms.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT  
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

Changes to this legally referenced policy on reports to the State Board for Educator Certification are based on revised administrative rules effective March 8, 2018. The rules clarify reportable misconduct and require the report to address current employment status, including pending actions and whether law enforcement or another agency is involved.

DHE (LOCAL) EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

Recommended text clarifies that the district may remove from duty and require testing of an employee if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of district policy. The text also addresses consequences for an employee's refusal to comply with testing and for violation of the district's drug and alcohol policy.

DI (LOCAL) EMPLOYEE WELFARE

This local policy addressing drug-free awareness programs is recommended for deletion, as the content is adequately covered through the district's DH(LEGAL) and (LOCAL) policies. See DH(LEGAL) for the district's requirements under the federal Drug-Free Workplace Act.

DP (LEGAL) PERSONNEL POSITIONS

Provisions on principal certification have been updated to provide a more complete explanation of the requirements.

E (LEGAL) INSTRUCTION

The E Section table of contents has been revised to add a code, ELA, to address partnership charters and to revise the title of EL to Campus or Program Charters. In addition, EJ is being deleted from the manual, and that code has been removed from the table of contents.

EB (LEGAL) SCHOOL YEAR

Effective with the 2018–19 school year, HB 2442 revised the Education Code provision addressing the length of a school year to clarify that the required 75,600 minutes are for operation, not just instruction. HB 2442 also included provisions allowing the commissioner to reduce funding if the district provides fewer than 75,600 minutes of operation and exemptions from the minimum minutes of operation for certain instructional programs.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

**EC (LEGAL) SCHOOL DAY**

Effective with the 2018–19 school year, HB 2442 deleted the statutory provision requiring a school day to be at least seven hours long and a day of instruction to include 420 minutes of instruction. As a result, we have removed those provisions from this legally referenced policy.

**EFB (LEGAL) INSTRUCTIONAL RESOURCES  
LIBRARY MEDIA PROGRAMS**

A citation has been added to the revised standards for school library programs, which were adopted by the Texas State Library and Archives Commission effective March 8, 2018. A district must consider the standards in developing, implementing, or expanding library services.

**EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM  
ELECTIVE INSTRUCTION**

Driver education provisions have been revised to include existing provisions about the requirements for a driver education course and to replace detailed information on student eligibility with reference to the appropriate subchapter of the Administrative Code.

**EHBAB (LEGAL) SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PRO-  
GRAM**

At Individualized Education Program, a revision to item 11, based on changes to the Administrative Code effective February 15, 2018, requires the ARD committee to consider appropriate transition issues beginning no later than when a student reaches 14 years of age.

**EHBAD (LEGAL) SPECIAL EDUCATION  
TRANSITION SERVICES**

A revision at Individual Transition Planning is based on changes to the Administrative Code effective February 15, 2018, which align the rules with the Education Code.

**EHBAE (LEGAL) SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS**

Citations have been updated throughout this legally referenced policy based on changes to the Administrative Code effective February 15, 2018, and additional detail from existing law has been added to the notice required when a student reaches the age of 18. (See page 7.)

**EHBC (LEGAL) SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES**

At Compensatory Education Allotment, we have removed outdated provisions that capped the percentage of compensatory education funds that could be used for DAEP expenditures, that addressed the development of college preparatory courses for the 2014–15 school year, and that addressed partnerships with community colleges for dropout recovery programs.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

**EHBD      (LEGAL)      SPECIAL PROGRAMS  
FEDERAL TITLE I**

This legally referenced policy on federal Title I requirements has been revised to include additional provisions on fiscal requirements, including maintenance of effort, the use of funds to supplement state and local funds, and prohibited uses of funds.

**EHDD      (LEGAL)      ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT**

Provisions at Dual Credit Programs have been revised as a result of amended administrative rules effective February 15, 2018. In addition to updating definitions, the amended rules require dual-credit partnership agreements to address defined sequences of courses where applicable.

An amendment to the Administrative Code effective February 28, 2018, provides that the Texas Success Initiative (TSI) is the only assessment instrument approved by the Texas Higher Education Coordinating Board for evaluating a student's enrollment in a developmental course offered by a community college. (See Remedial Programs.)

**EI            (LEGAL)      ACADEMIC ACHIEVEMENT**

Provisions at Notation on Transcript or Diploma, applicable to students who entered grade 9 before the 2014–15 school year, have been moved to this code without revision from EJ(LEGAL).

**EIC          (LEGAL)      ACADEMIC ACHIEVEMENT  
CLASS RANKING**

Provisions regarding automatic admission have been updated to reflect current law. In addition, detailed notification requirements about automatic admission have been added from revised administrative rules effective February 14, 2018.

**EIF          (LEGAL)      ACADEMIC ACHIEVEMENT  
GRADUATION**

Specific provisions addressing students who entered grade 9 prior to the 2012–13 school year have been replaced with a reference to the relevant Administrative Code provisions. Based on amendments to administrative rules effective February 15, 2018, references to prior school years have also been adjusted in the provisions addressing graduation of students receiving special education services.

New administrative rules effective May 3, 2018, implement SB 463 and permit a district to award a diploma to an individual who entered grade 9 before the 2011–12 school year and has completed the applicable curriculum requirements, but who has not successfully passed the relevant exit-level assessment required for graduation after at least three tries. To graduate, the student must meet the alternative requirements for graduation in 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board. Information to assist districts in developing graduation requirements for board approval was e-mailed to districts in April 2018.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

#### EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

This code is being deleted. Provisions on academic counseling have been moved to FFEA(LEGAL) to house all counselor-related duties in the same code. Provisions regarding notations on transcripts or diplomas have been moved to EI(LEGAL).

#### EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

Conduct that violates the security and confidentiality of a state assessment has been updated to match the 2018 Test Security Supplement. The list of penalties has also been updated to permit the imposition of additional conditions or restrictions upon a certificate to facilitate the rehabilitation and professional development of the educator or to protect students, parents, school officials, or personnel.

#### EKBA (LEGAL) STATE ASSESSMENT ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Several provisions have been deleted from this legally referenced policy based on the repeal of administrative rules effective March 27, 2018. The repeal aligned the commissioner rules with current law and removed inapplicable language related to the elimination of the Texas Assessment of Knowledge and Skills (TAKS).

#### EL (LEGAL) CAMPUS OR PROGRAM CHARTERS

In addition to the title change, provisions addressing partnership charters have been moved to ELA(LEGAL).

#### ELA (LEGAL) CAMPUS OR PROGRAM CHARTERS PARTNERSHIP CHARTERS

This new legally referenced policy includes material on partnership charters, previously at EL(LEGAL), and has been updated to include several existing statutory provisions and new material from administrative rules adopted effective March 30, 2018. The administrative rules provide significant guidance for districts that choose to contract with a partner to operate a district campus to receive accountability benefits in accordance with Education Code 11.174 and financial benefits in accordance with Education Code 42.2511.

TEA has additional [information about the partnership process](#) on its website.

#### FD (LEGAL) ADMISSIONS

Provisions at Pest Control Information have been updated as a result of new administrative rules effective January 9, 2018. The revisions add more detail about the notification to parents regarding application of pesticides that is required upon a child's registration for school.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

FEA            (LOCAL)        ATTENDANCE  
                                  COMPULSORY ATTENDANCE

A revision is recommended at Armed Services Enlistment to more accurately track the relevant statute, which requires a district to excuse a student 17 years of age or older for up to four days during the student's enrollment in high school to pursue military enlistment.

FEB            (LEGAL)        ATTENDANCE  
                                  ATTENDANCE ACCOUNTING

This legally referenced policy on attendance accounting has been revised to better match statutory wording and to add appropriate cross-references.

FFAA          (LEGAL)        WELLNESS AND HEALTH SERVICES  
                                  PHYSICAL EXAMINATIONS

Changes to the spinal screening provisions are from revised administrative rules effective January 1, 2018, and include new parent notification requirements, adjustments to the screening schedule, and guidance on the transfer of spinal screening records.

FFAB          (LEGAL)        WELLNESS AND HEALTH SERVICES  
                                  IMMUNIZATIONS

Provisions regarding immunization records have been updated to more closely track statutory wording.

FFEA          (LEGAL)        STUDENT ASSISTANCE PROGRAMS/COUNSELING  
                                  COMPREHENSIVE GUIDANCE PROGRAM

Provisions on academic counseling have been moved from EJ(LEGAL) to this code in order to house all counselor-related duties in the same code.

FFH            (LEGAL)        STUDENT WELFARE  
                                  FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RE-  
                                  TALIATION

A note has been added to this policy to provide a reference to FB(LEGAL), which addresses discrimination on the basis of disability, sex, and other protected characteristics.

FOCA          (LEGAL)        PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION  
                                  SETTING  
                                  DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPER-  
                                  ATIONS

Effective with the 2018–19 school year, HB 2442 repealed the Education Code provision that required a school day for a DAEP to be between seven and ten hours long. That provision has now been removed from this legally referenced policy.

## Explanatory Notes

### TASB Localized Policy Manual Update 111

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

Two existing provisions have been added to this legally referenced policy on students with disabilities to provide more complete coverage of the relevant laws. At Expulsion, the provision addresses the requirements to invite the administrator of the county JJAEP to an ARD committee meeting to discuss the discretionary expulsion of a student with a disability. On page 4 at Services During Removal, the provision requires the district to convene, for a student with a disability expelled under a discretionary expulsion, an ARD committee to reconsider placement in a JJAEP if the JJAEP notifies the district that the student's educational or behavioral needs cannot be met in the JJAEP.

#### GBA (LEGAL) PUBLIC INFORMATION PROGRAM ACCESS TO PUBLIC INFORMATION

Based on changes from SB 256, we have updated the name of the Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons. (See Crime Victims on page 7.)

#### GKA (LOCAL) COMMUNITY RELATIONS CONDUCT ON SCHOOL PREMISES

Most districts' policies at GKA(LOCAL) provide that the district's prohibition against firearms on district property is not violated when a Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a district parking area, provided the handgun or other firearm is not loaded and is not in plain view. However, the interplay of state and federal law would permit a district to revise this policy to allow such an individual to have a loaded handgun or firearm under these circumstances. Please contact your policy consultant if you would like to revise the district's policy.

TASB Legal Services has detailed information about firearms on school property and at school activities and the circumstances under which a school district may authorize personnel to carry firearms.