

Vantage Points

A Board Member's Guide to Update 105

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update 105 policy changes. The short descriptions generally appear in the same order as the codes in the policy manual and 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 adviser. Consult with your attorney or professional adviser 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 more information about Policy Service, visit our website at <http://policy.tasb.org>.

© 2016 Texas Association of School Boards, Inc. All rights reserved.

Update 105 includes revisions throughout the policy manual based on the passage of the Every Student Succeeds Act (ESSA), signed into law December 10, 2015. ESSA replaces the previous version of the law—the No Child Left Behind Act (NCLBA)—and reauthorizes the Elementary and Secondary Education Act (ESEA). Recent amendments to the Texas Administrative Code are also addressed throughout this update.

**Accountability
and
Accreditation**

ESSA made sweeping changes regarding federal accountability. To reflect those changes, as well as Texas’s transition to the accountability requirements outlined by House Bill 2804, revisions have been made to legally referenced policies addressing accountability at AIA, AIB, AIC, and AID.

As a result of Administrative Code rule revisions, AIC(LEGAL) has also been amended to address procedures for when a board of managers transitions back to the elected board.

**District
Governance**

**Superintendent
Nonrenewal**

BJCF(LOCAL) POLICY RECOMMENDATION

This local policy addressing nonrenewal of the superintendent is recommended for revision to make the list of reasons for nonrenewal parallel, where appropriate, to the reasons for term contract nonrenewal at DFBB(LOCAL).

Changes to the list of protected characteristics are to better align with those in legal precedent regarding freedom from discrimination, harassment, and retaliation.

**Parent
and Family
Engagement**

BQ(LOCAL) POLICY RECOMMENDATION

Revisions at BQ(LOCAL) are to reflect Title I terminology updated by ESSA, which now refers to a “parent and family engagement policy” rather than the former “parent involvement policy” required as part of district and campus improvement plans. Corresponding legal provisions have been added at EHBD(LEGAL).

**District
Operations
Purchasing**

New Administrative Code rules from the Texas Ethics Commission have been added to CH(LEGAL), addressing the Disclosure of Interested Parties form a district must obtain from a business entity if the contract with the entity requires board action or has a value of at least \$1 million.

Integrated Pest Management

CLB(LOCAL) POLICY RECOMMENDATION

Recently amended Texas Department of Agriculture rules prompted recommended revisions to this local policy addressing the district's integrated pest management program. The revised rules have been incorporated at CLB(LEGAL).

Flag Displays

CLE(LOCAL) POLICY RECOMMENDATION

For most districts, this is a new policy recommended for inclusion in the manual to reflect the board's obligation beginning with the 2016–17 school year to ensure that the U.S. and Texas flags are displayed when pledges of allegiance are recited by students in classrooms. The statutory detail has been added at CLE(LEGAL).

Records Management

CPC(LOCAL) POLICY RECOMMENDATION

The Texas State Library and Archives Commission (TSLAC) requires a district to submit its records management policy, including the designation of the records management officer. TASB Policy Service consulted with TSLAC to provide appropriate policy recommendations to meet this obligation. CPC(LEGAL) was also substantially revised to incorporate existing statutory detail for clarification.

Cybersecurity

Information about the Cybersecurity Information Sharing Act, effective December 2015, has been added at CQ(LEGAL) (Technology Resources) and GBA(LEGAL) (Access to Public Information).

Website Postings

CQA(LEGAL) has been updated to include several existing website posting requirements from the Administrative Code.

Personnel Issues

Teacher Certification Standards

At DBA(LEGAL), addressing employee credentials and records, the federal requirement for teachers and paraprofessionals to be "highly qualified" was repealed with the passage of ESSA and replaced with a new federal requirement for teachers to meet state licensure and certification standards. Revisions have also been made at DK(LEGAL) (Assignments and Schedules) and DPB(LEGAL) (Substitute, Temporary, and Part-Time Positions) to remove references to "highly qualified," as prompted by ESSA.

DBA(LOCAL) POLICY RECOMMENDATION

Corresponding changes are recommended to this local policy to remove text regarding parent notification requirements when a teacher is not "highly qualified."

Tuberculosis Testing

DBB(LOCAL) POLICY RECOMMENDATION

For districts with text at DBB(LOCAL) requiring evidence of tuberculosis testing prior to employment with the district, that text is recommended for deletion. In general, evidence of tuberculosis testing is no longer required by the Texas Department of State Health Services.

Termination of Employment

DFBB(LOCAL) POLICY RECOMMENDATION

The repeal of federal "highly qualified" requirements also prompted recommended changes to this local policy on term contract nonrenewal to replace a reference to the term "highly qualified" with a reference to state certification and licensure standards. Other changes are recommended for consistency and compliance with current state law.

DFFA, DFFB, AND DFFC(LOCAL) POLICY RECOMMENDATIONS

These reduction-in-force policies are similarly recommended for revision to reflect the repeal in federal law of the "highly qualified" requirement. Note that not all districts have DFFC(LOCAL), which addresses educators on continuing contracts.

Staff Development

In accordance with new Administrative Code rules, suicide prevention training requirements for staff have been incorporated at DMA(LEGAL). All new employees must receive training during new employee orientation, and all existing employees must be trained by September 30, 2016.

Administrative Code rules addressing adolescent literacy academies have also been incorporated at DMA(LEGAL).

**Teacher and
Campus
Administrator
Appraisals**

Administrative Code rules regarding teacher appraisal and campus administrator appraisal, effective July 1, 2016, have been added to DNA(LEGAL) and DNB(LEGAL). The state-recommended systems are the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS). Local policies will be updated in response to a TASB Policy Service survey sent to the district's policy contact.

**Curriculum and
Instruction**

**Fine Arts
Instruction**

The State Board of Education (SBOE) recently revised its rules to require that students complete at least one fine arts course while enrolled in grades 6–8. EHAB(LEGAL) has been revised to address the requirements when grade 6 classes are on an elementary campus. EHAC(LEGAL) has been amended to reflect the course requirement and that a district must provide students in these grades the opportunity to take fine arts courses in at least three of the four fine arts disciplines.

**Special
Education**

Recently revised commissioner of education rules prompted revisions to legally referenced policies on special education at EHBA, EHBAB, EHBAC, EHBAD, and EHBAE. Changes at EHBAB(LEGAL) and EHBAE(LEGAL) require a district to provide copies of a student's individualized education plan (IEP) and certain notices to parents in the parent's native language.

**Title I —
Comparability of
Services**

EHBD(LOCAL) POLICY RECOMMENDATION

For districts that did not previously have a local policy addressing Title I comparability of services, this policy is recommended for inclusion in the manual for compliance purposes. For districts that already had this policy, revisions are recommended to reflect the comparability of services requirement in federal law.

Prekindergarten

New Administrative Code rules regarding the high-quality prekindergarten grant program have been incorporated at EHBG(LEGAL) and address eligibility for funding and requirements for applying and receiving funding for the program.

Dual Credit

EHDD(LEGAL) has been revised to reflect Administrative Code rules adopted by the Texas Higher Education Coordinating Board regarding a student's eligibility to enroll in a dual credit course.

Graduation

New commissioner rules addressing the individual graduation committee (IGC) process have been incorporated at EIF(LEGAL). An IGC must convene on or before June 10 and must make a decision to award a diploma by August 31 for a student to be considered a graduate for that school year.

Student Issues

Homeless Students

Legally referenced policies at FB (Equal Educational Opportunity), FD (Admissions), FDC (Homeless Students), and FFC (Student Support Services) have been revised to incorporate ESSA changes to the McKinney-Vento Homeless Assistance Act.

FDC(LOCAL) POLICY RECOMMENDATION

Recommended revisions to this local policy regarding students who are homeless are prompted by changes from ESSA to the McKinney-Vento Homeless Assistance Act and as a result of ongoing dialogue and communication with TEA regarding the dispute resolution process for students who are homeless.

Gun-Free Schools Act

Legally referenced policies regarding student discipline at FNCG and FOD have been revised to include existing provisions from the federal Gun-Free Schools Act (GFSA), including the definition of "school" and exceptions from the GFSA. A state provision was added to FOC to clarify that educational services must be provided to a student younger than six years of age who has been expelled under provisions of GFSA.

Additional Changes from ESSA

In addition to the policies mentioned above, ESSA also prompted revisions to the following legally referenced policies:

- At CNA(LEGAL), new provisions require procedures to be developed by December 10, 2016, between a district and the Department of Family and Protective Services regarding transportation solutions for students in foster care. Former requirements for districts to transport students to higher performing schools have been deleted.
- Changes at EEB(LEGAL) reflect the revised definition of "migratory child" and related definitions as these terms relate to class size waivers.
- EHBE(LEGAL) (Bilingual Education/ESL) has been revised to update the term now used in federal law for "English learners."
- FDB(LEGAL) and FDE(LEGAL) have been updated to address intra-district transfer rights under the new federal law.
- At FL(LEGAL), revisions clarify that the living situation of a homeless student is considered a student education record and that an opt-in

procedure may not be used for parental consent to the release of student information to military recruiters and institutions of higher education. FNA(LEGAL) (Student Expression) and FNCF(LEGAL) (Alcohol and Drug Use) have been revised to remove now-outdated No Child Left Behind provisions regarding federal funds.

***More
Information***

For more detailed information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district’s policies—and the policies themselves, found in your district’s localized update packet.