

## TASB UPDATE PACKET 111

The District periodically receives Policy Update Packets from the Texas Association of School Boards (TASB). In these packets, TASB's policy consultants suggest revisions to certain legal and local policies in response to changes in state and/or federal laws and regulations. SBISD's senior staff, in turn, review the suggested revisions from TASB and may make additional suggestions for revisions. Once senior staff's review is complete, the entire packet goes to the Board for consideration: first reading, second reading, and adoption.

In order to understand the context in which these policy revisions were made, we have included the following:

**Explanatory Notes** – these are descriptions of the revisions for each (LEGAL) and (LOCAL) policy in the packet.

**Annotated Versions of Each (LOCAL) Policy** – these show the suggested additions (blue) and deletions (red) to the existing (LOCAL) policies.

Note that (LEGAL) policies are not included here because they do not need approval by the Board.

### **The local policies in this packet under consideration by the Board include:**

BBD (LOCAL) Board Members, Training and Orientation

CAA (LOCAL) Fiscal Management goals and objectives, Financial Ethics

CJA (LOCAL) Contracted Services, Criminal History

DEA (LOCAL) Compensation and Benefits, Compensation Plan

\*DH (LOCAL) Employee Standards of Conduct

DI (LOCAL) Employee Welfare

FEA (LOCAL) Attendance, Compulsory Attendance

\*GKA (LOCAL) Community Relations, Conduct on School Premises

**\*Policies DH and GKA (LOCAL) were not included in Policy Update 111. TASB did not make suggested revisions to these two policies, but is suggesting that the District review them. Our District Administration is currently working on reviewing additional new provisions of state and federal law on firearms on school property. To view a copy of DH and GKA (LOCAL) policies currently in place, please visit SBISD Policy On Line at: <https://pol.tasb.org/Home/Index/599>**

# EXPLANATORY NOTES

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# Explanatory Notes

## TASB Localized Policy Manual Update 111

District: Spring Branch ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

**Legal Services Update Memo:** New with this update, TASB Legal Services' [Legal Issues in Update 111](https://www.tasb.org/Services/Policy-Service/myTASB/Vantage-Points/documents/legal_issues_u111.aspx) 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

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- 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

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### 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 reworked 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.

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## 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

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### 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.

### DEA (LOCAL) COMPENSATION AND BENEFITS COMPENSATION PLAN

Revised text is recommended at Premium Pay During Disasters to align 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 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 this guidance, the policy recommendation replaces text limiting premium pay to a federally declared disaster and instead authorizes 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. The changes adopted by the board on June 25 have also been incorporated into this revised policy.

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. Districts should work with their attorney on these issues.

See TASB Legal Services' [Personnel Issues During School Closings](#) for more information about compensating employees during school closings and the [Regulations Resource Manual](#) for supporting materials addressing pay during closings.

# Explanatory Notes

## TASB Localized Policy Manual Update 111

### 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.

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.

### 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.

# Explanatory Notes

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### 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.

### 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 PROGRAM

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.

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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.

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).

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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.

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).

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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.

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.

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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.

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](#).

# LOCAL POLICIES

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## (LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy, as found in TASB Policy Service records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)

Policies recommended for deletion are not included. If you want to include the text of these policies in the information given to the Board, you may download them from *Policy On Line*.

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

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NOTE: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, Policy Service's recent migration to Word 2013 causes some margin notes to appear as a tracked change where no change has taken place.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

[Policy.Service@tasb.org](mailto:Policy.Service@tasb.org)

800-580-7529

512-467-0222

**Public Information  
Coordinator**

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

**Reporting  
Continuing  
Education Credit**

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

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**Note:** See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members—BBF
  - for employees—DH
- Financial conflicts of interest:
  - for public officials—BBFA
  - for all employees—DBD
  - for vendors—CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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~~**Note:** See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:~~

- ~~• Code of ethics:  
for Board members—BBF  
for employees—DH~~
- ~~• Financial conflicts of interest:  
for public officials—BBFA~~

~~for all employees—DBD  
for vendors—CHE~~

- ~~● Compliance with state and federal grant and award requirements: CB, CBB~~
- ~~● Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB~~
- ~~● Systems for monitoring the District's investment program: GDA~~
- ~~● Budget planning and evaluation: CE~~
- ~~● Compliance with accounting regulations: CFG~~
- ~~● Activity fund management: CFD~~
- ~~● Criminal history record information for employees: DBAA, DG~~
- ~~● Disciplinary action for fraud by employees: DGD, DCE, and DF series~~

### **Fraud and Financial Impropriety**

The District is committed to the highest standards of ethical behavior. Concern about any instance of unethical behavior reported by any source shall be taken seriously and properly investigated.

The District recognizes the importance of protecting the organization, its operations, employees, and assets against financial risks, operational breaches, and unethical activities. Therefore, the Board and administration shall institute and clearly communicate this financial ethics policy to District employees, internal and external customers, vendors, and business partners.

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

#### Definition

Fraud is defined as an intentional deception, misappropriation of resources, or the manipulation of data to the advantage or disadvantage of a person or entity. Corruption is a form of financial impropriety defined as the offering, giving, soliciting, or accepting of an inducement or reward that may improperly influence the action of a person or entity. Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.
14. Knowingly providing false information on job applications or requests for funding.
15. Wrongdoing.
16. Intentional misstatement.
17. Bribery.
18. Conspiracy.
19. Extortion.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

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**Reviewing the  
Financial Ethics  
Policy**

Each employee shall annually review the financial ethics policy and the responsibility of each employee to report financial conflicts of interest and any suspicion of fraud or financial impropriety in accordance with this policy, BBFA, DBD, and DH. Each employee shall annually sign a form from the employee handbook indicating that the employee understands the District's financial ethics policy.

During the meeting at which the Board conducts its annual review of the District's investment program, the Superintendent or designee shall review the code of ethics for Board members [see BBF] and legal provisions addressing financial conflicts of interest for Board members [see BBFA].

**Financial Controls  
and Oversight**

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

**Fraud Prevention**

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

As part of the annual audit process, controls on the Superintendent's office shall be reviewed by the Board's auditor.

Each department supervisor and campus principal shall monitor his or her area of responsibility for any indication of fraud or financial impropriety.

All new employees, including temporary and contract employees, are subject to background investigations including a criminal background check. The District shall also attempt to verify all applicants' employment history, education, and personal references prior to making an offer of employment. [See DC]

All vendors, contractors, and suppliers shall be in good standing and authorized to transact business in the state of Texas. Vendors, contractors, and suppliers are subject to screening, including verification of the individual's or company's status.

Contractual agreements with the District shall contain a provision prohibiting fraudulent acts and shall include information about reporting fraud or corruption.

Reports

Any person, including an employee, supervisor, administrator, vendor, or community member, who suspects fraud or financial impropriety in the District shall report the suspicions immediately to [a person with authority to investigate the suspicions, including](#) any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

*Protection from  
Retaliation*

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Retaliation or retribution against any employee, supervisor, manager, or officer who reports suspected fraudulent or corrupt activities shall not be tolerated. However, if an employee is determined to have acted maliciously or with deceit, the employee shall be subject to disciplinary action.

**Fraud Investigations**

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board and any appropriate personnel of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee, other than the Superintendent, is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment.

If the Superintendent is found to have committed fraud or financial impropriety, the Board shall take or recommend appropriate disciplinary action, which may include termination of employment.

If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

FISCAL MANAGEMENT GOALS AND OBJECTIVES  
FINANCIAL ETHICS

CAA  
(LOCAL)

Federal Awards  
Disclosure

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

**Analysis of Fraud**

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall appoint a team to analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

**Emergencies**

In an emergency due to a health or safety concern, a reasonably unforeseeable situation, or other exigent circumstance, the District employee who is in charge of the facility shall be authorized to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history record information (CHRI) review or who has a disqualifying conviction will be permitted to enter a District facility.

If allowed to enter the facility, the employee of the contracting or subcontracting entity shall be accompanied by a District employee at all times.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

**Pay Administration**

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The Superintendent or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.

*Mid-Year Pay  
Increases*

Contract  
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

Non-Contract  
Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

**Pay During Closing**

If the Board chooses to pay employees during an emergency closure which lasts longer than five workdays and for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure. [See EB for the authority to close schools]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Premium Pay  
During Disasters

Nonexempt employees who are required to work during an emergency closing [for a disaster, as declared by a federal, state, or local official or the Board](#), shall be paid at the rate of one and a half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

[\[See Emergency Closure Leave at DEC\(LOCAL\)\]](#)

EMPLOYEE WELFARE

DI  
(LOCAL)

**Drug-Free  
Awareness Program**

~~The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:~~

- ~~1. The dangers of drug use and abuse in the workplace.~~
- ~~2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]~~
- ~~3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.~~
- ~~4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DH(LOCAL)]~~

**Employee  
Responsibility**

~~All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.~~

Students in violation of the compulsory attendance law shall be reported to the District police department, who may institute court action as provided by law.

**Excused Absences**

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

Higher Education  
Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

Armed Services  
Enlistment

The District shall excuse a student 17 years of age or older for up to four days during ~~his or her enrollment in high school-year~~ for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. A student shall be required to submit verification of such activities in accordance with administrative regulations.

Early Voting or  
Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

**Withdrawal for  
Nonattendance**

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

**Students Attending  
Homeschools**

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LOCAL)

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing  
Compulsory  
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.