IOLA INDEPENDENT SCHOOL DISTRICT
PUBLIC HEARING
and
CALLED SCHOOL BOARD MEETING

December 13, 2021

6:30 P.M.

IOLA INDEPENDENT SCHOOL DISTRICT
NOTICE OF CALLED SCHOOL BOARD MEETING
PUBLIC HEARING

December 13, 2021

Monday: 6:30 p.m. IOLA ISD BOARD ROOM

AGENDA

The subjects to be discussed or considered, or upon which any formal action may be taken, are as follows: (Items do not have to be taken in the same order as shown on this meeting notice.)

1. Call to order

2. Invocation

3. Public hearing

The possible Amendment to the Resolution and Findings of Fact approving the Application of Blue Jay Solar I and on the Amendment No. 1 to Agreement for Limitation on Appraised Value between the District and Blue Jay Solar I, LLC, Texas Comptroller Application Number 1490, pursuant to Chapter 313 of the Texas Tax Code

4. Adjourn

This notice was posted and filed in compliance with the Open Meetings Law on December 10, 2021 at 3:00 P.M

Jeff Dyer
Interim Superintendent

IOLA INDEPENDENT SCHOOL DISTRICT
NOTICE OF PUBLIC HEARING

Notice is hereby given that on the 13th of December, 2021, the Board of Trustees of the Iola School District will hold a public hearing located at Iola ISD Board Room, Iola, Texas 77861. The subjects to be discussed are listed on the agenda which is attached to the made a part of this Notice.

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed session of the Board of Trustees is required, then such closed or session as authorized by the Texas Open Meeting Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:
Texas Government Code Section:

551.071	Private consultation with the board's secretary.
551.072	Discussing purchase, exchange, lease, or value of real property.
551.073	Discussing negotiated contracts for prospective gifts or donations.
551.074	Discussing personnel or to hear complaints against personnel.
551.075	To confer with employees of the school district to receive information or to ask questions.
551.076	Considering the deployment, specific occasions for, or implementation of, security personnel or devices.
551.082	Considering discipline of the public school child, or complaint or charge against personnel.
551.083	Considering the standards, guidelines, terms, or conditions the board will follow, or will instruct its representatives follow, in consultation with representatives of employees groups.
551.084	Excluding witnesses from a hearing.
551.087	Deliberations regarding Economic development negotiations

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed session, then the final action, final decision, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting;

or

(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

On this 10th of December, 2021 original copy was posted on the front window in the School District Administration Building at 3:00 p.m. on said date.

Jeff Dyer, Interim Superintendent
For the Board of Education

IOLA INDEPENDENT SCHOOL DISTRICT
NOTICE OF CALLED SCHOOL BOARD MEETING

December 13, 2021

Monday: immediately following public hearing IOLA ISD BOARD ROOM

AGENDA

The subjects to be discussed or considered, or upon which any formal action may be taken, are as follows: (Items do not have to be taken in the same order as shown on this meeting notice.)

1. Call to order

2. Public Forum

3. Discussion and possible action on an Amendment to the Resolution and Findings of Fact approving the Application of Blue Jay Solar I, LLC for Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code

4. Discussion and possible action on the Amendment No. 1 to Agreement for Limitation on Appraised Value between the District and Blue Jay Solar I, LLC, Texas Comptroller Application Number 1490, pursuant to Chapter 313 of the Texas Tax Code

5. Consideration to approve TASB Local Policy Update 118

6. Closed Session: Texas Government Code Sections 551.071 (Attorney Consultation), 551.074 (Personnel Matters), 551.082 (Student Discipline Matters), 551.072 (Purchase of Real Property) 551.076 (Student Safety) 551.087(Deliberations regarding Economic Development Negotiations)

7. Adjourn

This notice was posted and filed in compliance with the Open Meetings Law on December 10, 2021 at 3:00 P.M

Jeff Dyer
Interim Superintendent

IOLA INDEPENDENT SCHOOL DISTRICT
NOTICE OF CALLED BOARD MEETING

Notice is hereby given that on the 13th of December, 2021, the Board of Trustees of the Iola School District will hold a public hearing located at Iola ISD BOARD ROOM, Iola, Texas 77861. The subjects to be discussed are listed on the agenda which is attached to the made a part of this Notice.

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed session of the Board of Trustees is required, then such closed or session as authorized by the Texas Open Meeting Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:
Texas Government Code Section:

551.071	Private consultation with the board's secretary.
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551.074	Discussing personnel or to hear complaints against personnel.
551.075	To confer with employees of the school district to receive information or to ask questions.
551.076	Considering the deployment, specific occasions for, or implementation of, security personnel or devices.
551.082	Considering discipline of the public school child, or complaint or charge against personnel.
551.083	Considering the standards, guidelines, terms, or conditions the board will follow, or will instruct its representatives follow, in consultation with representatives of employees groups.
551.084	Excluding witnesses from a hearing.
551.087	Deliberations regarding Economic development negotiations

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed session, then the final action, final decision, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting;

or

(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

On this 10th of December, 2021 original copy was posted on the front window in the School District Administration Building at 3:00 p.m. on said date.

Jeff Dyer, Interim Superintendent
For the Board of Education

IOLA INDEPENDENT SCHOOL DISTRICT
IOLA, TEXAS

MEMORANDUM

TO: Iola ISD Board of Trustees

From: Jeff Dyer, Interim Superintendent

DATE: December 13, 2021

SUBJECT: Public Forum (Item 2)

At regular meetings the Board shall allot up to 30 minutes to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up as they arrive indicating the topics about which they wish to speak.

Public participation is limited to the designated open forum portion of a meeting. At all other times during Board meetings, the audience shall not enter into discussion or debate on matters being considered by the Board. No presentation shall exceed 5 minutes.

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board may not deliberate, discuss, or make any decision on any subject not on the agenda.

BOARD PRESIDENT: The presiding officer shall determine whether a person who wishes to address the Board has attempted to solve a matter administratively. If not, the person shall be directed to do so before bringing the matter to the board at a subsequent meeting.

Respectfully submitted,

Jeff Dyer
Interim Superintendent

IOLA INDEPENDENT SCHOOL DISTRICT
IOLA, TEXAS

MEMORANDUM

TO: Iola ISD Board of Trustees

From: Jeff Dyer, Interim Superintendent

DATE: December 13, 2021

SUBJECT: Discussion and possible action on an Amendment to the Resolution and Findings of Fact approving the Application of Blue Jay Solar I, LLC for Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code (Item 3)

The motion must be read as presented:

"I move that the Board approve the Amendment to Resolution and Findings of Fact, as presented, relating to the Amended Application of Blue Jay Solar I, LLC for Appraised Value Limitation on Qualified Property, that such Resolution and Findings, as presented, be executed by the Board President, *[or if the Board President is not available, insert name of other available board officer]*, and made a part of the Minutes of this meeting and the meeting of November 16, 2020, and that Blue Jay Solar I, LLC's Amended Application be approved, all in accordance with Chapter 313 of the Texas Tax Code."

****

Respectfully submitted,

Jeff Dyer
Interim Superintendent

Culwell Consulting

November 9, 2021

Mr. Jeff Dyer
Superintendent
Iola Independent School District
7282 Fort Worth Street
Iola, TX 77861
jdyer@iolaisd.net

Re: Iola ISD summary of financial benefits of the amendment to the Ch. 313 Agreement with Blue Jay Solar I LLC

Mr. Dyer,

The Blue Jay Solar I LLC (Applicant) project submitted an Amendment to their existing Agreement for appraised value limitation on qualified property to the Iola Independent School District (Iola ISD). As put forth in the Amendment submitted to Iola ISD on September 20, 2021, the Applicant is requesting Iola ISD agree to advance the start of the ten-year value limitation period from tax year 2023 to tax year 2022. Additionally, the Applicant is seeking to include new qualified property resulting in an increase to the estimated peak taxable value of the solar project. As explained below, the result of approving the amendment is a net positive for the finances of Iola ISD.

In the Amendment submitted to the State Comptroller on October 11, 2021, the Applicant is requesting the value limitation amount of $20 million be applied beginning in tax year 2022, instead of the originally agreed to tax year 2023. This shift in timeline results in the project's peak taxable value being captured by the first year of the limitation period (2022) and therefore maximizing the Applicant's tax savings.

The Applicant is also seeking to include additional qualified property to the Agreement. Per the Amendment, the project is estimated to have a full taxable value of $149.9 million as of January 1, 2022. This amount is an increase of $28.8 million when compared to the unamended taxable value estimate.

The impact of the Amendment on Iola ISD's M&O general revenue fund is twofold. First, we estimate the results of the Amendment will **increase the amount of revenue protection owed to Iola ISD by $368,390** when compared to the payment amount calculated under the unamended taxable value schedule. This is the result of the both the increase in the estimated taxable value of the project and the capturing of this amount in the value limitation period.

Second, in amending the start of the value limitation period, Iola ISD reduces the number of years it is eligible to receive supplemental payments. We estimate the results of the Amendment will **reduce the amount of supplemental payment owed to Iola ISD by $50,000** when compared to the payment schedule set forth in the unamended agreement.

The Amendment to the Blue Jay Solar I LLC Agreement has an overall positive impact on the finances of Iola ISD. **We estimate the overall impact of approving the Amendment to have a net positive impact of $318,390 upon the Iola ISD M&O general fund.** The increase in the estimated revenue protection payment more than offsets the reduction in supplemental payments.

The attached spreadsheet, "Estimated Effects of the Amendment to the Ch. 313 Application from Blue Jay Solar I LLC Project upon the Finances of the Iola Independent School District" provides further detail to the financial outcomes of the Amendment.

Please contact us if you have any questions.

Sincerely,

Chris Grammer

Estimated Effects of the Amendment to the Ch. 313 Application from Blue Jay Solar I LLC Project upon the Finances of the Iola Independent School District

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	School Year	Tax Year	Project Full Taxable Value (I&S Value)*	Project Limited Tax Value (M&O Value)	M&O Tax Rate#	M&O Taxes Paid Before Limitation	M&O Taxes Paid After Limitation	Tax Savings Before District Calculations	School District Revenue Loss	Company Tax Savings Before Supplemental Payment	Supplemental Payment$	Total Company Tax Savings
	2021-2022	2021	$0	$0	$0.8720	$0	$0	$0	$0	$0	$0	$0
	2022-2023	2022	$149,875,967	$20,000,000	$0.8720	$1,306,918	$174,400	$1,132,518	-$1,200,045	-$67,527	$100,000	-$167,527
	2023-2024	2023	$139,905,816	$20,000,000	$0.8720	$1,219,979	$174,400	$1,045,579	$0	$1,045,579	$50,000	$995,579
	2024-2025	2024	$130,016,463	$20,000,000	$0.8720	$1,133,744	$174,400	$959,344	$0	$959,344	$50,000	$909,344
	2025-2026	2025	$120,204,674	$20,000,000	$0.8720	$1,048,185	$174,400	$873,785	$0	$873,785	$50,000	$823,785
	2026-2027	2026	$110,467,348	$20,000,000	$0.8720	$963,275	$174,400	$788,875	$0	$788,875	$50,000	$738,875
Value Limitation Period	2027-2028	2027	$100,801,506	$20,000,000	$0.8720	$878,989	$174,400	$704,589	$0	$704,589	$50,000	$654,589
	2028-2029	2028	$91,204,289	$20,000,000	$0.8720	$795,301	$174,400	$620,901	$0	$620,901	$50,000	$570,901
	2029-2030	2029	$81,672,952	$20,000,000	$0.8720	$712,188	$174,400	$537,788	$0	$537,788	$50,000	$487,788
	2030-2031	2030	$72,204,859	$20,000,000	$0.8720	$629,626	$174,400	$455,226	$0	$455,226	$50,000	$405,226
	2031-2032	2031	$62,797,481	$20,000,000	$0.8720	$547,594	$174,400	$373,194	$0	$373,194	$50,000	$323,194
	2032-2033	2032	$53,448,389	$53,448,389	$0.8720	$466,070	$466,070	$0	$0	$0	$50,000	-$50,000
	2033-2034	2033	$52,105,476	$52,105,476	$0.8720	$454,360	$454,360	$0	$0	$0	$50,000	-$50,000
Maintain Viable Presence	2034-2035	2034	$50,816,279	$50,816,279	$0.8720	$443,118	$443,118	$0	$0	$0	$50,000	-$50,000
	2035-2036	2035	$49,578,650	$49,578,650	$0.8720	$432,326	$432,326	$0	$0	$0	$0	$0
	2036-2037	2036	$48,390,527	$48,390,527	$0.8720	$421,965	$421,965	$0	$0	$0	$0	$0
					Totals	**$11,453,639**	**$3,961,839**	**$7,491,800**	**-$1,200,045**	**$6,291,754**	**$700,000**	**$5,591,754**

NOTE: The terms of these calculations are set in the Ch. 313 Agreement; however, each year's calculation during the limitation period requires the use of the concurrent year's school finance system, assessed taxable value of the project, school district level taxable values and tax rates, and school district student population data. These calculations are based upon the current school finance system as of the date of preparation below. Changes to any of these factors may result in revenue losses and company tax savings in different amounts than estimated in this document.

*The project taxable values utilized here are based on those provided in the application submitted by the Company. Calculations made for active agreements during the value limitation period will be based upon the assessed value as determined by the county central appraisal district.

#The M&O tax rate used is based on the district's adopted 2021-2022 M&O tax rate. All future calculations will use the corresponding year's adopted M&O tax rate.

$The supplemental payment shown represents the statutory maximum for these payments is $100 per average daily attendance (ADA). The average daily attendance data of 492 is obtained from the TEA 2019-20 Summary of Finances - Final rounded to the nearest whole number. For a school district below 500 ADA, the tax code provides for supplemental payments to be negotiated up to $50,000 for each eligible year. The displayed payment schedule reflects those set in the adopted Ch. 313 Agreement.

Summary of Estimated Financial Impact

Total Estimated School District Revenue Loss	Total Supplemental Payments	Total Company Tax Savings
$1,200,045	$700,000	$5,591,754

FINDINGS OF FACT
ATTACHMENT A (TAB 12) AND ATTACHMENT J

Enel Green Power North America, Inc.

100 Brickstone Square, Suite 300 – Andover,
MA 01810 – USAT +1 978 681 1900

November 2, 2021

Jeff Dyer, Interim Superintendent
Iola Independent School District
7282 Fort Worth Street
Iola, TX 77861

Re: Chapter 313 Application for Appraised Value Limitation – Job Waiver Request

Dear Interim Superintendent,

This letter is to advise you that Blue Jay Solar I, LLC is submitting its Chapter 313 Application for Appraised Value Limitation on Qualified Property with a request for a waiver of the jobs creation requirement.

House Bill 1470 altered the jobs requirement be adding Section 313-025 (f-l) to permit a school district's board of trustees to make a finding that the job requirement could be waived if the job requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. Blue Jay Solar I, LLC, requests that Iola ISD's Board of Trustees make such a finding and waive the job creation requirement for the permanent jobs. Based on the industry standard, the size and scope of this project will require approximately three (3) permanent jobs.

As background information on the creation of the full-time jobs by solar energy projects, these types of projects create a large number of full-time, temporary jobs during the construction phase, but require a small number of highly skilled technicians to operate a solar energy project once construction operations cease and commercial operations begin. The permanent employees of a solar energy project maintain, and service solar energy units, underground electrical connections, substations, and other infrastructure associated with the safe and reliable operation of the project. Typically, solar PV projects of 100 to 200 MW in size require one to two full-time onsite employees, although this number varies depending on the units selected as well as the support and technical assistance offered by the PV manufacturer. In addition to the onsite employees described, there may be asset managers or technicians who supervise, monitor, and support the solar energy project operations from off-site locations.

Sincerely,

Robert Pena, Jr.
Development

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:
2021-828928

Date Filed:
12/02/2021

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Blue Jay Solar I, LLC
LENEXA, KS United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Iola Independent School District

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
1490-Iola ISD-Amendment No. 01
Chapter 313 Limitation on Appraised Value Agreement-Amendment

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party. [X]

6 UNSWORN DECLARATION

My name is Robert Pena, and my date of birth is 11/12/1967.

My address is 2516 W. Freddy Gonzalez Dr. (street) Edinburg (city) TX (state) 78539 (zip code) Hidalgo (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of Texas, on the 2nd day of December (month) 20 21 (year).

Signature of authorized agent of contracting business entity (Declarant)

IOLA INDEPENDENT SCHOOL DISTRICT
IOLA, TEXAS

MEMORANDUM

TO: Iola ISD Board of Trustees

From: Jeff Dyer, Interim Superintendent

DATE: December 13, 2021

SUBJECT: Discussion and possible action on the Amendment No. 1 to Agreement for Limitation on Appraised Value between the District and Blue Jay Solar I, LLC, Texas Comptroller Application Number 1490, pursuant to Chapter 313 of the Texas Tax Code (Item 4)

The motion must be read as presented:

""I move that the Board approve the Amendment No. 1 to Agreement for Limitation on Appraised Value between the District and Blue Jay Solar I, LLC, as presented, thereby modifying the Agreement for Limitation on Appraised Value dated November 16, 2020, Texas Comptroller Application Number 1490, and authorize the Board President, *[or if the Board President is not available, insert name of other available board officer]*, to execute the Amendment No. 1 on behalf of the District and to take such other action as may be required under Chapter 313 of the Texas Tax Code or the Comptroller's related rules."

****

Respectfully submitted,

Jeff Dyer
Interim Superintendent

AMENDMENT NO. 1
TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES
BETWEEN IOLA INDEPENDENT SCHOOL DISTRICT
AND BLUE JAY SOLAR I, LLC
(Comptroller Application No. 1490)

This **AMENDMENT NO. 1 TO THE AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES** (this "**Amendment No. 1**") is entered into by and between **IOLA INDEPENDENT SCHOOL DISTRICT** (the "**District**"), a lawfully created independent school district of the State of Texas operating under and subject to the TEXAS EDUCATION CODE, and **BLUE JAY SOLAR I, LLC**, a Delaware limited liability company, Texas Taxpayer Identification Number *32064056792* ("**Applicant**"). The Applicant and the District may hereafter be referred together as the "**Parties**" and individually as a "**Party**." Undefined capitalized terms herein shall have the meaning given to them in the Agreement (as defined below).

WHEREAS, on or about November 16, 2020, pursuant to Chapter 313 of the TEXAS TAX CODE, after conducting a public hearing on the matter, the District made factual findings (the "**Findings of Fact**"), and passed, approved, and executed that certain Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes dated November 16, 2020, by and between the District and Applicant (the "**Agreement**");

WHEREAS, pursuant to Section 10.2 of the Agreement, the Applicant has requested to (i) advance the start date of the Tax Limitation Period to January 1, 2022, (ii) add battery storage to the Qualified Investment and Qualified Property, (iii) increase the number of full-time jobs from one (1) job to three (3) jobs and (iv) amend Sections 2.3.D and 2.3.E and Exhibits 3, 4 and 5, accordingly, to reflect the foregoing changes;

WHEREAS, the Applicant is requesting to increase the number of full-time jobs from one (1) job to three (3) jobs consistent with industry standards. As such, Applicant has provided the attached Chapter 313 Jobs Waiver Request (Attachment A (Tab 12) and Attachment J) requesting that the District amend its Findings of Fact and the Agreement to reflect three (3) new permanent full-time jobs;

WHEREAS, the Parties agree to modify the Application, Agreement, and Findings of Fact and to confirm that the Application, Agreement and Findings of Fact are amended to the extent necessary to comport with the addition of battery storage, advanced start date of the Tax Limitation Period and increase in the number of jobs;

WHEREAS, the Parties notified the Texas Comptroller of Public Accounts (the "**Comptroller**") of the Amended Application No. 2 on or about October 11, 2021 and Amended Application No. 3 and the request for this Amendment No. 1 on November 5, 2021, and the Comptroller issued its notice of amended completeness, certificate and agreement approval on December 1, 2021; and

WHEREAS, on December 13, 2021, after conducting a public hearing and providing interested persons an opportunity to be heard on the matter, the Board of Trustees determined that this Amendment No. 1 is in the best interest of the District and the State of Texas and is consistent with and authorized by Chapter 313 of the TEXAS TAX CODE, and hereby approves this Amendment No. 1 and authorizes the District's representative, whose signature appears below, to execute and deliver such Amendment No. 1 to the Applicant.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual benefits to be derived by the Parties and other good and valuable considerations, the receipt and adequacy of which are hereby acknowledged, and in compliance with Section 10.2 of the Agreement, the undersigned Parties intending to be legally bound, do hereby covenant and agree as follows:

1. **Amendments.** The Agreement is hereby amended as follows:

   a. **Section 2.3.D**. Section 2.3.D of the Agreement is deleted in its entirety and replaced with the following:

      D. The Tax Limitation Period for this Agreement:
         1. Starts on January 1, 2022, the first complete Tax Year that begins after the commencement of Commercial Operations; and,
         2. Ends on December 31, 2031.

   b. **Section 2.3.E**. Section 2.3.E of the Agreement is amended to reflect that the Final Termination Date for this Agreement is December 31, 2036.

   c. **Exhibit 3**. **EXHIBIT 3** to the Agreement is deleted in its entirety and replaced with the attached **EXHIBIT 3**.

   d. **Exhibit 4**. **EXHIBIT 4** to the Agreement is deleted in its entirety and replaced with the attached **EXHIBIT 4**.

   e. **Exhibit 5**. **EXHIBIT 5** to the Agreement is deleted in its entirety and replaced with the attached **EXHIBIT 5**.

   f. **References to Number of Jobs in Agreement**. To the extent that the Agreement references the number of qualifying jobs relating to the Project, the Agreement is hereby amended consistent with the modification herein to three (3) new permanent full-time jobs.

   g. **References to Number of Jobs in Findings of Fact**. All references in the Findings of Fact, and specifically Findings Numbers 3 and 4, to one (1) job are deleted and replaced with three (3) jobs and the District finds that three (3) new qualifying job exceeds the industry standard, thereby qualifying for a waiver of the new jobs requirement, pursuant to Texas Tax Code §313.025(f-1), and such change will be approved by the District's Board of Trustees in an Amendment to the Findings of Fact.

h. **Tab 12 of the Application**. Tab 12 of the Application, being Attachment A to the Findings of Fact relating to the Job Waiver Request, is deleted and replaced with the attached Tab 12. This letter is also added to the Findings of Fact as Attachment J.

2. **Effect.** Except as modified and amended by the terms of this Amendment No. 1, all of the terms, conditions, provisions and covenants of the Findings of Fact and Agreement are ratified and shall remain in full force and effect, and the Agreement and this Amendment No. 1 shall be deemed to constitute a single instrument or document and the Findings of Fact and this Amendment No. 1 shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Amendment No. 1 and the Agreement or this Amendment No. 1 and the Findings of Fact, the terms of this Amendment No. 1 shall prevail. A copy of this Amendment No. 1 shall be delivered to the Texas Comptroller to be posted to the Texas Comptroller's internet website. A copy of this Amendment No. 1 shall be recorded with the official Minutes of the meeting at which it has been approved and a copy of this Amendment No. 1 shall also be recorded with the Findings of Fact in the official Minutes of the meeting of November 16, 2020.

3. **Fees and Expenses for Amendment**. Applicant agrees to pay District's legal fees at normal hourly rates to the District's attorneys in an amount not to exceed $25,000.00, including any expenses associated with this Amendment No. 1 (including the expenses related to District's attorneys retaining a school finance consultant), within 15 days of Applicant's receipt of the invoice from District's counsel.

4. **Binding on Successors and Assigns.** The Agreement, as amended by this Amendment No. 1, shall be binding upon and inure to the benefit of the Parties and each other person and entity having any interest therein during their ownership thereof, and their respective successors and assigns.

5. **Counterparts.** This Amendment No. 1 may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

6. **Electronic Delivery.** This Amendment No. 1 may be duly executed and delivered in person, by mail, or by facsimile or other electronic format (including portable document format (pdf) transmitted by email). The executing Party agrees to promptly deliver a complete, executed original or counterpart of this Amendment No. 1 to the other executing Parties. This Amendment No. 1 shall be binding on and enforceable against the executing Party whether or not it delivers such original or counterpart.

[*Signatures follow on the next page*]

IN WITNESS HEREOF, the District and Applicant have caused this Amendment No. 1 to be executed and delivered by their duly authorized representatives as of the Effective Date below.

APPROVED AND EFFECTIVE as of the ____ day of _____, 2021.

BLUE JAY SOLAR I, LLC

BY:_____

NAME:_____
TITLE:_____

IOLA INDEPENDENT SCHOOL DISTRICT

BY:_____

NAME:_____
TITLE:_____

DISTRICT ATTEST:

BY:_____

NAME:_____
TITLE:_____

EXHIBIT 3

APPLICANT'S QUALIFIED INVESTMENT

Blue Jay Solar I, LLC plans to construct a 210 MW solar generating facility with an additional 50 MW battery storage system ("BESS") within Iola ISD, which is located in Grimes County.

This Agreement covers all qualified investment and qualified property necessary for the commercial operations of the solar farm. All qualified investment and qualified property will be located in Iola ISD. Panel placement is subject to change, but for purposes of this application, the Project anticipates using approximately 574,000 modules and approximately 84 inverters.

Qualified Investment and qualified property includes:

- collection systems,
- transmission lines,
- electrical interconnections,
- access roads,
- control systems necessary for commercial generation of electricity,
- solar modules/panels,
- foundations,
- racking and mounting structures,
- inverters boxes,
- combiner boxes,
- meteorological equipment,
- permanent battery storage system,
- O&M building,
- electrical substations,
- generation transmission tie line and associated towers,
- interconnection facilities
- and control systems necessary for commercial generation of electricity, and all eligible ancillary and necessary equipment.

The applicant intends to construct an Operation and Maintenance building and electrical substation will be constructed within the project boundary. The Operations and Maintenance building will be utilized to house associated equipment relative to the Project. This includes junction boxes, PV panel connectors and mounting and tracking systems.

The Applicant will be placing a project battery storage facility with a capacity of 50 MWac. This *permanent* battery storage facility will allow excess solar energy collected from The Project to be stored and distributed when the transmission network has available capacity. The battery storage included in the Qualified Investment will solely be used for the storage of electricity generated by the solar project. The storage facility design would consist of: (a) batteries installed in standard,

typically 40-foot to 50-foot ISO shipping containers, a purpose built energy storage container, or in an unoccupied structure, 20-foot-tall standard warehouse-style building (b) power conversion systems (inverters), which can bi-directionally convert the electricity between DC and AC; (c) electrical collection and fiber-optic communications lines; (d) Heating Ventilation and Air Conditioning (HVAC) systems; (e) fire suppression systems; and (f) civil infrastructure including driveways and fencing.

MAP OF QUALIFIED INVESTMENT

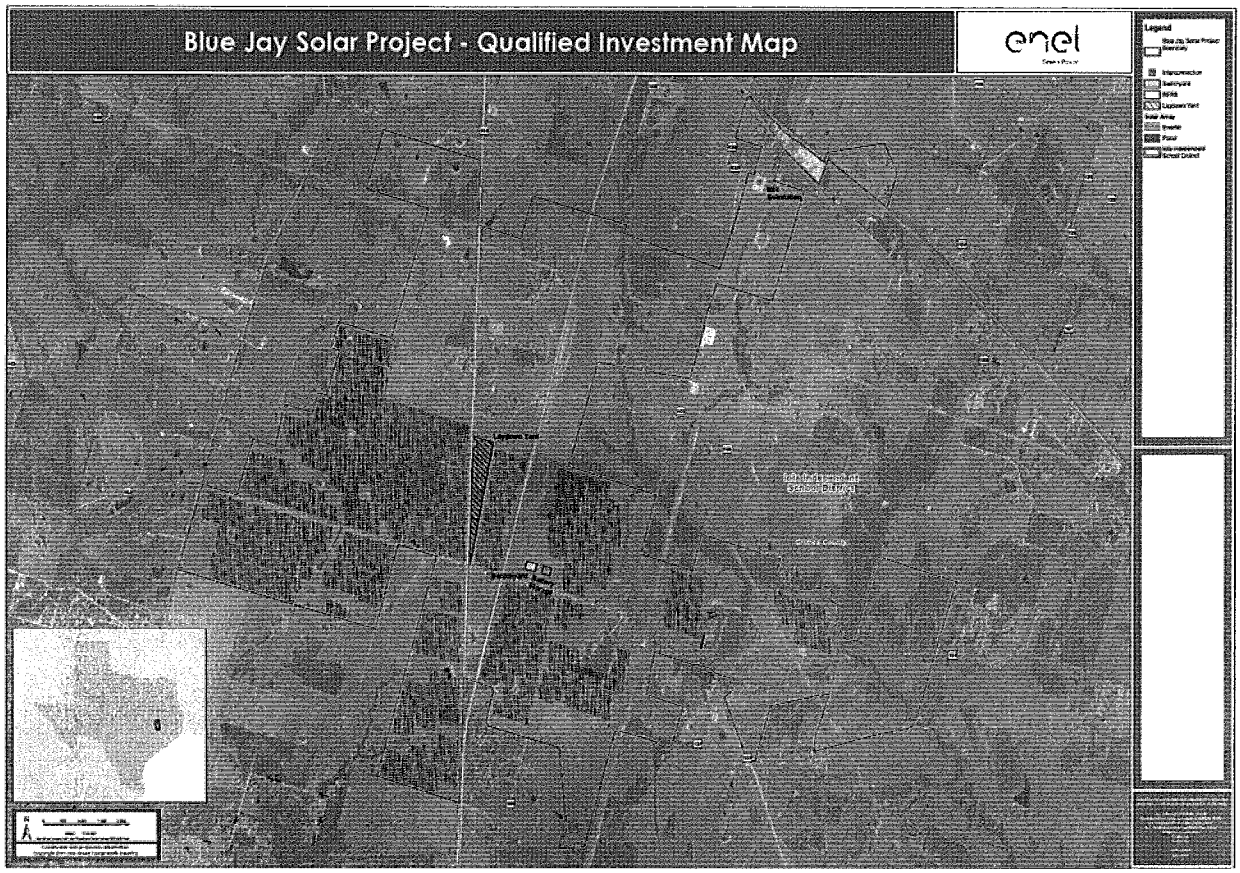

EXHIBIT 3

EXHIBIT 4

DESCRIPTION AND LOCATION OF QUALIFIED PROPERTY

Blue Jay Solar I, LLC plans to construct a 210 MW solar generating facility with an additional 50 MW battery storage system ("BESS") within Iola ISD, which is located in Grimes County.

This Agreement covers all qualified investment and qualified property necessary for the commercial operations of the solar farm. All qualified investment and qualified property will be located in Iola ISD. Panel placement is subject to change, but for purposes of this application, the Project anticipates using approximately 574,000 modules and approximately 84 inverters.

Qualified Investment and qualified property includes:

- collection systems,
- transmission lines,
- electrical interconnections,
- access roads,
- control systems necessary for commercial generation of electricity,
- solar modules/panels,
- foundations,
- racking and mounting structures,
- inverters boxes,
- combiner boxes,
- meteorological equipment,
- permanent battery storage system,
- O&M building,
- electrical substations,
- generation transmission tie line and associated towers,
- interconnection facilities
- and control systems necessary for commercial generation of electricity, and all eligible ancillary and necessary equipment.

The applicant intends to construct an Operation and Maintenance building and electrical substation will be constructed within the project boundary. The Operations and Maintenance building will be utilized to house associated equipment relative to the Project. This includes junction boxes, PV panel connectors and mounting and tracking systems.

The Applicant will be placing a project battery storage facility with a capacity of 50 MWac. This *permanent* battery storage facility will allow excess solar energy collected from The Project to be stored and distributed when the transmission network has available capacity. The battery storage included in the Qualified Property will solely be used for the storage of electricity generated by

the solar project. The storage facility design would consist of: (a) batteries installed in standard, typically 40-foot to 50-foot ISO shipping containers, a purpose built energy storage container, or in an unoccupied structure, 20-foot-tall standard warehouse-style building (b) power conversion systems (inverters), which can bi-directionally convert the electricity between DC and AC; (c) electrical collection and fiber-optic communications lines; (d) Heating Ventilation and Air Conditioning (HVAC) systems; (e) fire suppression systems; and (f) civil infrastructure including driveways and fencing.

MAP OF QUALIFIED PROPERTY

EXHIBIT 4

EXHIBIT 5
AGREEMENT SCHEDULE

	Year of Agreement	Date of Appraisal	School Year	Tax Year	Summary Description
Limitation Pre-Years	Pre-Year	January 1, 2020	2020-21	2020	Pre-Year
	Stub Year	January 1, 2021	2021-22	2021	QTP Stub Year, QTP begins October 1, 2021
Limitation Period (10 Years)	QTP 1/ LP 1	January 1, 2022	2022-23	2022	QTP year 1 $20 million appraisal limitation
	QTP 2/ LP 2	January 1, 2023	2023-24	2023	QTP year 2 $20 million appraisal limitation
	3	January 1, 2024	2024-25	2024	$20 million appraisal limitation
	4	January 1, 2025	2025-26	2025	$20 million appraisal limitation
	5	January 1, 2026	2026-27	2026	$20 million appraisal limitation
	6	January 1, 2027	2027-28	2027	$20 million appraisal limitation
	7	January 1, 2028	2028-29	2028	$20 million appraisal limitation
	8	January 1, 2029	2029-30	2029	$20 million appraisal limitation
	9	January 1, 2030	2030-31	2030	$20 million appraisal limitation
	10	January 1, 2031	2031-32	2031	$20 million appraisal limitation
Maintain a Viable Presence (5 Years)	11	January 1, 2032	2032-33	2032	No appraisal limitation; must maintain a viable presence
	12	January 1, 2033	2033-34	2033	No appraisal limitation; must maintain a viable presence
	13	January 1, 2034	2034-35	2034	No appraisal limitation; must maintain a viable presence
	14	January 1, 2035	2035-36	2035	No appraisal limitation; must maintain a viable presence
	15	January 1, 2036	2036-37	2036	No appraisal limitation; must maintain a viable presence

IOLA INDEPENDENT SCHOOL DISTRICT
IOLA, TEXAS

MEMORANDUM

TO: Iola ISD Board of Trustees

From: Jeff Dyer, Interim Superintendent

DATE: December 13, 2021

SUBJECT: Consideration of TASB localized Policy Manual Update 118 (Item 5)

Enclosed in your packet you will find our TASB Local Policy overview. This is replacing Vantage Points.

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It is recommended that the Board of Trustees add, revise, or delete (local) policies as recommended by TASB Policy Services and according to the Instruction Sheet for TASB Policy Manual Update 118.

Respectfully submitted,

Jeff Dyer
Interim Superintendent

Explanatory Notes
TASB Localized Policy Manual Update 118

Iola ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Changes at Update 118 are based almost exclusively on legislation from the 87th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

For more information about the bills mentioned below and other changes from the 87th Legislative Session, download the free *2021 Legislative Summary for TASB Members* PDF at https://store.tasb.org/legislative-summary-for-tasb-members-pdf/.

The *Local Policy Overview* for Update 118, available in the myTASB Policy Service Resource Library at https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx, provides a general, high-level overview of the changes to the (LOCAL) policies included in the update. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

Changes to the policy manual based on bills from the special called sessions will be included in Update 119.

A(LEGAL) BASIC DISTRICT FOUNDATIONS

The A Section table of contents has been updated to include the new codes AIE, Investigations, and AEA, Educational Equity.

In Update 119, Policy Service will be reviewing districts' AE(LOCAL) and recoding any equity provisions to the new AEA(LOCAL).

AE(LEGAL) EDUCATIONAL PHILOSOPHY

The objectives of public education have been updated to reflect HB 4509 revisions regarding instruction on American patriotism.

AG(LEGAL) HOME-RULE DISTRICTS

Provisions on home rule districts have been updated to reflect the applicability of Education Code Chapter 39 and special investigations (SB 1365) and parental options to retain students (SB 1697) for these districts.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Details regarding accountability performance ratings have been added from SB 1365, including the effects of "Not Rated" and D ratings.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

Revisions to the quality of learning indicators are from HB 4545.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Significant changes from the 87th Legislature, Regular Session address:

- The authority of conservators, management teams, and boards of managers;

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- Interventions and consequences for D ratings;
- Revisions regarding campus turnaround plans;
- Appeals of interventions and sanctions; and
- New intervention programs, including designation as a resource campus and required compliance with the strong foundations grant program requirements.

We have also added an existing prohibition on student trustees participating in a closed board meeting when a personnel matter is being considered.

Provisions on monitoring reviews and on-site investigations have been moved to AIE, Investigations.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Provisions on special investigations (formerly *special accreditation investigations*) and monitoring reviews and activities have been revised as a result of SB 1365 and moved to this new code on investigations.

BA(LEGAL) BOARD LEGAL STATUS

The provision regarding the board's governance authority has been moved to BAA(LEGAL), which addresses the board's powers and duties.

BAA(LEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES

The provision regarding the board's governance authority has been moved from BA(LEGAL) and revised to better reflect statutory wording.

SB 1365 adds exceptions to the board's exclusive power to govern and oversee the management of the district to address the appointment of a board of managers.

Provisions on the board's authority related to district property have been deleted, as they are included at other codes.

BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

Changes to this legally referenced policy include:

- Clarification regarding felony convictions for eligibility and service as a board member (HB 1540 and Attorney General Opinion KP-0251); and
- Revisions to the definition of "residence" (SB 1111).

BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Provisions updated in accordance with HB 3107 include those related to election orders, election notices, filing information, delivery or submission of election documents, drawings to determine the order of names on the ballot, and temporary branch polling places.

SB 1116 requires a new internet posting 21 days before election day with information about the upcoming election.

Requirements regarding early voting rosters have been updated in accordance with HBs 1382 and 1622.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 3107 clarifies processes for tied votes and runoff elections.

SB 1116 includes a new requirement to post online detailed information on election results.

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BBBD(LEGAL) ELECTIONS: CAMPAIGN ETHICS

Amended Ethics Commission rules change the definition of "political advertising" to address text messages.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

The State Board of Education must require school safety training for trustees per HB 690 and work with the Texas School Safety Center to develop curriculum and materials by January 1, 2022.

BBFA(LEGAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES

A definition of "contract" has been added to assist with application of conflicts disclosure provisions. Other provisions have been reordered, reworded, and removed for readability.

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 1525 imposes new meeting requirements for school health advisory councils, including posting of meeting details in advance of meetings and preparing and posting meeting minutes and recordings.

CBA(LEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE

An existing provision regarding the purpose of the Foundation School Program has been added.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

We have referenced an existing provision that prohibits the use of federal loan or grant funds to procure or obtain foreign telecommunications equipment.

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions on ad valorem taxes were affected by several bills.

- HB 1525 includes exceptions to the prohibition on levying a maintenance tax at a rate with the intent to create a surplus in maintenance tax revenue to pay the district's debt service. We have also added a reference to the consequences of violating the prohibition without an applicable exception.
- SB 1438 addresses the calculation and adoption of tax rates in a disaster area.

Because provisions permitting a district to adopt a tax rate before adopting a budget no longer align with current statutes and TEA processes for calculating the maximum compressed rate, they have been deleted from the policy.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Legislation affected several provisions on tax exemptions and payments:

- SB 1427 clarifies that the temporary exemption for qualified property damaged by disaster applies only to physical damage.
- SB 1438 repeals the provisions permitting a governing body to adopt a temporary exemption for qualified property damaged by disaster, making the exemption automatic.
- HB 988 addresses exemptions for goods-in-transit when the district is in a disaster area.
- SB 742 expands the existing provision regarding installment payments in a disaster area to include property in an *emergency* area.

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CCH(LEGAL) LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

A recent attorney general opinion clarifies that an employee of an appraisal district may not serve as a trustee in a school district that is a participating entity in the appraisal district.

HB 988 creates a criminal offense for a board member, officer, or employee of a participating taxing unit, such as a school district, who communicates with the appraisal district to influence a property's appraisal value unless the person owns or leases the property.

The circumstances under which a person is ineligible to serve on the board of directors of an appraisal district were revised by SB 63, and additional detail on eligibility restrictions have been added from existing law.

Provisions on adjusting the number of appraisal board members in special circumstances have been removed.

CDC(LEGAL) OTHER REVENUES: GIFTS AND SOLICITATIONS

HB 1525 requires a district to accept donations from a parent-teacher organization or association to fund supplemental educational staff positions and spend the donation for the designated purpose.

Under HB 3979, a district is prohibited from accepting private funding for curriculum or professional development for a course as described by Education Code 28.002(h-3)(3), which pertains to certain social studies course content and requirements.

CE(LEGAL) ANNUAL OPERATING BUDGET

SB 1365 prohibits use of local funds to initiate or maintain an action against the state or officer of the state arising out of a decision, order, or determination that is final and unappealable under the Texas Education Code, unless specifically authorized.

The bill also creates a criminal offense for a board member who votes to approve an expenditure in violation of an Education Code provision for a purpose for which the funds may not be spent.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

A reference to the updated *Financial Accountability System Resource Guide*, adopted June 2021, has been added.

CFC(LEGAL) ACCOUNTING: AUDITS

A reference to the updated *Financial Accountability System Resource Guide*, adopted June 2021, has been added.

CFD(LOCAL) ACCOUNTING: ACTIVITY FUNDS MANAGEMENT

Recommended revisions to this local policy are to align with the recently adopted amendments to the *Financial Accountability System Resource Guide (FASRG)*, Module 1, Appendix H, on activity funds. (See the *FASRG* Financial Accounting and Reporting Appendices at https://tea.texas.gov/sites/default/files/fasrg17-module1-farappendices-final-accessible.pdf.)

Substantive changes include clarification that student activity funds are those funds raised and collected by student clubs and organizations. Approval to spend those funds rests solely with the student organization or club, with disbursement management and approvals by the principal and sponsor.

A more specific reference to the district's accounting practices and procedures was added regarding management of expenditures.

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CH(LEGAL) PURCHASING AND ACQUISITION

The Professional Services Procurement Act was revised to address procurement of services by forensic analysts and science experts (HB 3774) and physicians, optometrists, and registered nurses under certain circumstances (SB 799).

A definition of a "contingent fee contract" for legal services has been added from SB 1821, and other revisions on this topic are from HB 1428.

SB 799 also amends provisions on management fees under cooperative purchasing contracts.

CHE(LEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

Districts are prohibited from entering into certain contracts with a company for goods and services unless the contract contains written verification that the company:

- Does not boycott energy companies, as described (SB 13); and
- Does not discriminate against a firearm entity or firearm trade association, as described (SB 19).

Existing statutory provisions on vendor conflict of interest questionnaires have been added for completeness.

CHF(LEGAL) PURCHASING AND ACQUISITION: PAYMENT PROCEDURES

HB 1476 imposes additional requirements on districts regarding disputed invoices with vendors.

CHG(LEGAL) PURCHASING AND ACQUISITION: REAL PROPERTY AND IMPROVEMENTS

Revisions to the annual eminent domain reporting requirements have been added from SB 157.

CHH(LEGAL) PURCHASING AND ACQUISITION: FINANCING PERSONAL PROPERTY PURCHASES

SB 58 adds cloud computing services to the definition of personal property under the Public Property Finance Act.

Existing legal sources related to the Public Property Finance Act have been added for completeness and address lease-purchase contracts and fair processes for competitive bidding.

CK(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT

Changes from HB 3597 include the following:

- A district will have three, not six, months to respond to a notification from the Texas School Safety Center (TxSSC) that the district failed to report the results of its safety audit.
- A copy of a memorandum of understanding or mutual aid agreement between a district and another entity addressing school safety and security issues provided to the TxSSC is confidential and not subject to disclosure under the Public Information Act.

CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

Extensive revisions to this legally referenced policy on asbestos are a result of amended Texas Asbestos Health Protection rules effective July 8, 2021.

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CKB(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

HB 3597 requires the commissioner of education in consultation with other relevant entities to adopt rules on emergency drills and exercises. The previous Administrative Code provisions have been removed pending development of the new rules.

Before a district may conduct an active threat exercise, the district must comply with new notice provisions and other requirements in accordance with SB 168. The *Regulations Resource Manual* includes a sample notification form.

CKC(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Legislative cleanup resulted in several revisions to this legally referenced policy on emergency plans:

- HB 3607 removes a reference to an expired statute;
- HB 3597 clarifies that a multihazard emergency operations plan must include responding to a train derailment if a district *facility*, rather than a *school*, is within 1000 yards of a railroad track; and
- HB 3597 corrects a reference to the *five*, not *four*, phases of emergency management to be addressed in a multihazard emergency operations plan.

CKD(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY MEDICAL EQUIPMENT AND PROCEDURES

Although still required, the annually provided instruction on cardiopulmonary resuscitation and the use of automated external defibrillators no longer has to meet guidelines under the Health and Safety Code. (SB 199)

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

HB 1788 addresses a school district's immunity from liability for damages resulting from a reasonable action by security personnel to maintain safety at a school campus, including actions relating to possession or use of a firearm. The district also has immunity from liability for any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

We have revised the provisions on authorizing handguns from Attorney General Opinion GA-1051 in light of the repeal of Penal Code 46.035 by HB 1927.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

SB 24 adds new pre-employment procedures that law enforcement agencies must follow before hiring a licensed peace officer.

If the Texas Commission on Law Enforcement (TCOLE) provides model policies on the topics required in law, a law enforcement agency must, within 180 days of TCOLE providing the policies, adopt a policy on the required topics and may adopt the model policies. (HB 3712)

A law enforcement agency that intends to use a drone for law enforcement purposes must, no later than January 1, 2022, adopt a policy regarding the use of force by means of a drone. (HB 1758)

HB 929 amends existing provisions on body-worn cameras and requires an officer to keep the camera activated during an investigation in which the officer is participating.

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CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

SB 741 permits a school marshal to carry a concealed handgun and eliminates the previous requirement for the firearm to be locked in a secure safe within the marshal's immediate reach if the marshal has direct, regular contact with students.

CKEC(LEGAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

SB 1191 amends the definition of a school resource officer to exclude a peace officer who only provides services at extracurricular activities.

CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY

A new requirement to post human trafficking warning signs has been added from SB 1831.

CLE(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: FLAG DISPLAYS

Pursuant to SB 797, schools must display in each building a poster or framed copy of the national motto that also includes representations of the U.S. and state flags if donated or purchased from private donations.

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

HB 3261 expands the items and services on which a district can use its technology and instructional materials allotment (TIMA).

The bill also eliminates the provision requiring a district to purchase items in a specified order.

CNA(LEGAL) TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION

SB 204 permits a district to operate a transportation system for interdistrict transfer students outside district boundaries and without having an interlocal agreement with the transferring district if the district meets applicable certification requirements and has a policy that prohibits the screening of transfer requests using academic performance, disciplinary history, or attendance records.

Please contact your policy consultant if your district will use this approach and you need changes to FDA(LOCAL). The *Regulations Resource Manual* includes a sample certification statement.

A district in a disaster area is eligible for transportation funding for the cost of transporting a meal or instructional materials in accordance with SB 462.

Other revisions are to better match legal sources.

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

SB 1267 repeals provisions on school bus emergency evacuation training.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

SB 1351 revises provisions permitting a campus to donate surplus food. Links have also been updated.

CQ(LEGAL) TECHNOLOGY RESOURCES

SB 475 adds "robotic process automation" to the examples of next generation technology.

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

The list of required internet postings has been updated to include:

- Election information and election results (SB 1116);
- Notice of school health advisory council (SHAC) meetings, minutes, and recordings (HB 1525);
- A link to the comptroller website to find information on the district's agreements to limit appraised property values (existing requirement);
- Information regarding compliance with requirements for a district that will operate a transportation system outside district boundaries without an interlocal agreement (SB 204); and
- The district's employment policy and any referenced regulations (HB 750).

The optional posting pertaining to annual notice of programs for college credit has been updated as a result of SB 1095.

CQB(LEGAL) TECHNOLOGY RESOURCES: CYBERSECURITY

Reporting of a breach of system security to TEA now includes a requirement to also report to an entity with which TEA contracts and may be made by district employees other than the cybersecurity coordinator per SB 1696.

Cybersecurity training requirements were amended by HB 1118 and SB 1267.

Security breach notifications under the Business and Commerce Code were amended by HB 3746.

CQB(LOCAL) TECHNOLOGY RESOURCES: CYBERSECURITY

Based on HB 1118 and SB 1267, the provision addressing board delegation to the superintendent regarding cybersecurity training has been revised to:

- Reflect the elimination of the annual training requirement (except for the cybersecurity coordinator); and
- Give the superintendent the authority to impose consequences for failure to complete required training.

Recommended revisions regarding reports of breaches involving student information are based on SB 1696, which permits the district, rather than the cybersecurity coordinator, to report breaches to TEA and others as required by law.

Sample procedures in the *Regulations Resource Manual* have also been updated based on these changes.

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

SB 1444 permits a district participating in TRS ActiveCare to opt out of participation as described and prohibits a district participating in TRS ActiveCare from offering health coverage that is not provided under TRS ActiveCare.

Other revisions are to reorder provisions for better flow, remove unnecessary provisions, and better reflect legal sources.

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CV(LEGAL) FACILITIES CONSTRUCTION

HB 2581 amends provisions on contracting procedures for construction projects, including evaluation of submissions and criteria for awarding construction contracts.

SB 338 permits a district to adopt and incorporate into relevant contracts the Texas Facilities Commission's uniform general conditions.

CVB(LEGAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

HB 2581 requires a district using competitive sealed proposals for construction projects to make the evaluations public within 7 business days of the contract award and provide the evaluations to all offerors. A reference to provisions on weighting the value assigned to price has also been added.

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

New provisions from HB 1525 and SB 1356 permit members of teacher organizations and other eligible individuals to participate in a tutoring program to provide supplemental instruction to students as overseen by the superintendent.

DC(LEGAL) EMPLOYMENT PRACTICES

A new posting requirement from HB 750 requires a district to post on its website the employment policy required by Education Code 11.1513(a) and any regulations referenced in the policy. Any form referenced in the policy must be posted on the district's intranet or at a district administrative office.

HB 1525 requires a district to accept donations from a parent-teacher organization or association to fund supplemental educational staff positions and spend the donation for the designated purpose.

DEA(LEGAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

With limited exceptions, HB 1525 requires a district to maintain salaries provided for the 2019–20 school year under HB 3, 86th Legislative Session, as long as the employee remains employed by the district.

Revisions regarding TRS surcharges for rehired retirees include:

- A prohibition against a district passing on to a retiree the cost of TRS surcharges (SB 202); and
- A temporary exemption from TRS surcharges through February 1, 2025, when a retiree is employed to mitigate student learning loss (SB 288).

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

HB 1525 eliminates the requirement that a teacher be certified to be designated a master, exemplary, or recognized teacher under a local optional teacher designation system.

Changes to provisions on mentor teachers and achievement academy stipends are from SB 1267.

DEC(LEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

Districts that employ peace officers must implement two new leave provisions.

- SB 1359 requires a policy allowing the use of paid mental health leave by officers who experience a traumatic event in the scope of employment.
- HB 2073 requires the board to develop and implement a paid quarantine leave policy for district peace officers who are ordered to isolate or quarantine because of possible or known exposure to a communicable disease while on duty.

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In July, Policy Service sent an email with information on local policy changes to districts which our records show employ peace officers. If your district employs peace officers and has not yet contacted the district's policy consultant for policy revisions, please do so.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

HB 1589 adds new disaster leave provisions for employees in the military who are called to state active duty in response to a disaster.

DFE(LEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

HB 2519 requires notice to employees whom the district reports to SBEC for contract abandonment and limits SBEC's authority to sanction a teacher who files a resignation after the 45th day but no later than the 30th day before the first day of instruction.

DFE(LOCAL) TERMINATION OF EMPLOYMENT: RESIGNATION

Revisions to this local policy on resignations are guided by a recent commissioner of education proposal for decision. Based on the relevant statutory wording, a contract employee's resignation effective at the end of the school year must be filed with the board of trustees or the board's designee, and the board's designee, typically the superintendent, may not further delegate the ability to receive these resignations. As a result, we recommend revising the policy language to give the superintendent *or other person designated by board action* the authority to accept these resignations.

New recommended text states that if a contract employee provides a resignation to a supervisor who has not been designated by the board to accept such resignations, the supervisor shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

We have also clarified that a superintendent may delegate authority to accept at-will resignations to other administrators.

The *Regulations Resource Manual* includes sample resolutions if the board chooses to designate a district employee, in addition to the superintendent, to accept contract employee resignations.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

As a result of HB 3979, a teacher in a required social studies course may not be compelled to discuss a current event or widely debated and currently controversial issue of public policy or social affairs.

DGC(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: IMMUNITY

SB 6 provides that a person is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency except as provided by law.

DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

SB 45 clarifies that an employer commits an unlawful employment practice for failing to take immediate and appropriate corrective action regarding sexual harassment that the employer or employer's agents knew or should have known was occurring.

Iola ISD

SB 282 prohibits a district from using public money to settle or pay a sexual harassment claim against a board member or an officer or employee of the district.

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Numerous revisions throughout this legally referenced policy on staff development are a result of SB 1267, which amends current requirements and requires SBEC, by June 1, 2022, to create a clearinghouse on continuing education and training requirements that includes recommendations for the frequency of training.

Boards must develop a professional development policy by August 1, 2022, that includes a schedule of training based on the clearinghouse or notes any differences between the board policy and the clearinghouse recommendations. Policy Service will provide local policy recommendations following publication of the clearinghouse.

Other legislation affecting this policy includes:

- HB 159, requiring certain elements be included in educator staff development;
- HB 1525, delaying requirements for teacher literacy achievement academies;
- HB 2681, requiring teachers of elective Bible courses to be certified in one of three areas and complete commissioner-developed training; and
- SB 199, eliminating the requirement for instruction on cardiopulmonary resuscitation and the use of automated external defibrillators to meet guidelines under the Health and Safety Code.

DP(LEGAL) PERSONNEL POSITIONS

SB 179 mandates that the board adopt a policy requiring a school counselor to spend at least 80 percent of the school counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). See DP(LOCAL), below, for more information.

Provisions in relevant employment contracts cannot conflict with the policy, and a district must annually assess the policy.

DP(LOCAL) PERSONNEL POSITIONS

Revisions regarding school counselors are based on SB 179, which mandates that the board adopt a policy requiring a school counselor to spend at least 80 percent of total work time on duties that are components of a comprehensive school counseling program (CSCP). If the board determines that, because of staffing needs in the district or at a campus, a school counselor cannot spend 80 percent of work time on CSCP components, the policy must address further details regarding the counselor's duties.

The recommended policy text is structured for the administration, rather than the board, to make the initial administrative determination about a counselor's job duties. If the board approves that determination, the board shall direct the superintendent to develop a revised job description for that counselor that will address the requirements in law.

The list of principal qualifications has been adjusted to include a reference to the job description.

In accordance with these revisions, TASB HR Services has revised its model job descriptions available to subscribers in the HR Library at https://www.tasb.org/services/hr-services/mytasb/model-job-descriptions/campus-instruction.aspx.

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E(LEGAL) INSTRUCTION

The E Section table of contents has been revised to change the subtitle of EKBA to English Learners/Emergent Bilingual Students to align with changes from SB 2066.

EB(LEGAL) SCHOOL YEAR

A district may receive full ADA if it provides at least 43,200 minutes of instructional time to students enrolled in a school operating an adult high school charter school program in accordance with SB 1615.

EEB(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE

Class size limits have been extended to prekindergarten by SB 2081.

EEL(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

Driver training *schools* are renamed driver training *providers* by HB 1560.

EF(LEGAL) INSTRUCTIONAL RESOURCES

SB 348 clarifies that a parent is entitled to review teaching and instructional materials while a child is participating in virtual or remote learning and to observe virtual instruction.

EHA(LEGAL) CURRICULUM DESIGN: BASIC INSTRUCTIONAL PROGRAM

As provided by SB 6, a district is not liable for damages or monetary relief from a cancellation or modification of a course, program, or activity if the action is due to a pandemic emergency.

EHAA(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

Provisions on required instruction have been added to reflect HB 4509 revisions regarding instruction on American patriotism, Texas history, and the free enterprise system.

HB 1525 imposes several requirements regarding human sexuality curriculum materials, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The *Regulations Resource Manual* includes a sample board resolution for convening the SHAC and a sample parental consent form.

SB 123 revises the list of topics that must be addressed in character education programs.

EHAA(LOCAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

New provisions are recommended based on HB 1525, which imposes several requirements regarding human sexuality curriculum materials, including a board policy on adopting curriculum materials. The policy follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

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The *Regulations Resource Manual* includes a sample board resolution for convening the SHAC and a sample parental consent form.

EHAD(LEGAL) BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

Driver training *schools* are renamed driver training *providers* by HB 1560.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

SB 89 requires districts to add supplemental information to the individualized education program (IEP) of any child who was enrolled in special education during the 2019–20 or 2020–21 school years.

The admission, review, and dismissal committee of a student who is participating in the new supplemental special education services and instructional materials program created by SB 1716 must provide certain information to parents and cannot consider the supplemental services when developing the IEP.

HB 785 imposes new requirements when a student has a behavioral improvement or intervention plan.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

HB 1525 eliminates the statutory requirement for a district to annually certify its gifted and talented program to the commissioner.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Numerous legislative changes affect this legally referenced policy on compensatory and accelerated services.

- The compensatory education allotment may be used for services of an instructional coach (HB 1525).
- The list of students at risk of dropping out of school excludes students who are retained in prekindergarten (SB 1697) and includes students enrolled in a dropout recovery school (HB 572) and students participating in an adult high school charter school program (SB 1615).
- The term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).
- New provisions have been added on required services after an unsatisfactory performance on state assessments, including accelerated instruction, accelerated learning committees, and parent requests for specific teachers (HB 4545).

EHBC(LOCAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Recommended revisions to this local policy include references to accelerated instruction and accelerated learning committees as revised by HB 4545 and direct parents to FNG, the district's existing grievance policy, for complaints about educational plans.

The text also explains that parental requests for a student to be assigned to a particular teacher following a student's unsatisfactory performance on a grade 3, 5, or 8 math or reading assessment shall be handled in accordance with the district's administrative procedures. The *Regulations Resource Manual* includes sample procedures and a form for these parental requests.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to this policy topic.

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EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

SB 2066 revises the term "limited English proficient" to "emergent bilingual" in several instances and adds a definition of the new term.

EHBF(LEGAL) SPECIAL PROGRAMS: CAREER AND TECHNICAL EDUCATION

In addition to existing career and technology education program notification requirements, SB 1095 adds a requirement for the district to provide parents notification of certain work-based education programs offered by the district.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Eligibility for free prekindergarten enrollment for three-year-olds has been extended by HB 725 to children who were in foster care in another state.

Subject to certain requirements, a parent may elect for a student to repeat prekindergarten or enroll in prekindergarten for the first time if the student would have been eligible the previous year and has not yet enrolled in kindergarten (SB 1697).

To obtain an exemption from requirements regarding prekindergarten classes for four-year-olds, a district must first solicit proposals for partnerships (HB 1525).

A prekindergarten program provided by a private entity must comply with class size limits (SB 2081).

EHBK(LEGAL) SPECIAL PROGRAMS: OTHER INSTRUCTIONAL INITIATIVES

As revised by HB 3257, instruction required during Holocaust Remembrance Week must include materials developed or approved by the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

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

In addition to existing career and technology program notification requirements, SB 1095 adds a requirement for the district to provide notice of work-based education programs offered by the district, such as internships, externships, apprenticeships, or a Pathways in Technology Early College High School (P-TECH) program, and to notify parents of the qualifications for enrolling in these programs. A district must also provide notice regarding subsidies to take college advanced placement tests or international baccalaureate examinations.

An agreement with an institution of higher education must designate an employee of the district or the higher education institution as responsible for providing academic advising to students who will enroll in a dual credit course, as specified by SB 1277.

EI(LEGAL) ACADEMIC ACHIEVEMENT

Revised Administrative Code rules require the academic achievement record to reflect compliance with the requirement to complete a free application for federal student aid (FAFSA) or Texas application for state financial aid (TASFA).

SB 1888 eliminates the Early High School Graduation Scholarship Program.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

HB 4545 eliminates grade advancement provisions for students in grades 5 and 8.

SB 1697 creates parental options to retain students in prekindergarten through grade 8 or retake a high school credit course, even if the student has met the promotion standards or passed the course. In addi-

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tion, a parent may enroll a student in prekindergarten or kindergarten as specified if the student was eligible the previous year. The bill includes a process to be followed if the district disagrees with the request. However, if the parent participates in that process, the parent may make the final decision whether the student will be retained. The retention provisions for grades 4–8 and for high school courses expire September 1, 2022.

EIE(LOCAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

Outdated provisions on grade advancement testing have been removed as a result of HB 4545, including provisions on assignment of retained students, which were based on Administrative Code provisions addressing grade advancement requirements. The statement about eliminating the practice of retaining students is recommended for deletion, as it is only needed if a district operates an optional extended year program (OEYP) under Education Code 29.082.

Accelerated instruction is now addressed at EHBC.

Please review your policy and contact your policy consultant if the district's grade level promotion standards need revision, including the promotion standards for students in kindergarten through grade 3. The article "Level-Up? Promotion to the Next Grade Depends on Board Policy" (available in the TASB Member Center at https://www.tasb.org/members/enhance-district/local-promotion-standards/) provides additional information on grade level promotion standards.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to this policy topic.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

SB 369 adds details regarding how a school counselor reports compliance with the requirement for a student to complete a free application for federal student aid (FAFSA) or Texas application for state financial aid (TASFA).

The statutory expiration date for individual graduation committees was repealed by HB 1603.

Provisions on the Texas First Early High School Completion Program are from SB 1888.

Revised Administrative Code rules clarify that the requirement to demonstrate proficiency in specific communication skills for graduation may be satisfied beginning in grade 8.

EK(LEGAL) TESTING PROGRAMS

We have removed TEA obligations regarding reimbursement procedures for college preparation assessments.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

The statutory term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).

SB 1267 permits the district employee who oversees test administration to require other district employees who administer assessments to repeat test administration training.

References to the Texas Success Initiative Assessment, Version 2.0 (TSIA2) have been added as a result of revised Administrative Code rules.

Revisions regarding accelerated instruction are based on HB 4545.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS

The statutory term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).

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EL(LEGAL) CAMPUS OR PROGRAM CHARTERS

HB 3607 revises funding provisions applicable when a district contracts with an open-enrollment charter school to jointly operate a campus.

SBs 1365 and 1697 revise the list of laws applicable to charter campuses or programs.

EMB(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES

HB 3979 adds numerous restrictions for a social studies course in the required curriculum.

EMI(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: STUDY OF RELIGION

HB 2681 permits a district to offer an elective course on the Bible beginning in grade 6, rather than grade 9.

FD(LEGAL) ADMISSIONS

A statement has been added for new provisions from HB 4545 regarding enrollment in prekindergarten and kindergarten under certain circumstances. A cross-reference has also been added to EIE(LEGAL).

SB 746 requires a parent to provide to the district in writing the parent's contact information.

In accordance with SB 1615, a student enrolled in an adult high school charter school program is entitled to the benefits of the available school fund if the student is under 50 years of age.

FDA(LEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS

SB 481 allows a student to transfer to another district if the student's current district will offer only virtual instruction for more than one grading period during the school year.

A cross-reference to CNA has been added for provisions on operating a transportation system outside the district to transport interdistrict transfer students.

FDAA(LEGAL) INTERDISTRICT TRANSFERS: PUBLIC EDUCATION GRANTS

SB 1365 revises public education grants to make a student eligible if the student is assigned to a campus with any unacceptable performance rating.

FDE(LEGAL) ADMISSIONS: SCHOOL SAFETY TRANSFERS

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FDE(LOCAL) ADMISSIONS: SCHOOL SAFETY TRANSFERS

Recommended revisions are to reflect a change from HB 375, which amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

HB 699 requires a school district to excuse a student's absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if proper documentation is provided.

SB 289 creates an optional excused absence for a student who is at least 15 years old to be absent for one day to obtain a learner license and for one day to obtain a driver's license.

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HB 3165 provides an affirmative defense to truant conduct if absences were due to a child's voluntary absence from home because of abuse.

FEA(LOCAL) ATTENDANCE: COMPULSORY ATTENDANCE

We have added text to address SB 289, which creates an optional excused absence for a student who is at least 15 years old to be absent for one day to obtain a learner license and for one day to obtain a driver's license. **Contact the district's policy consultant if your district will not permit these excused absences.** The *Regulations Resource Manual* includes at FEA a sample form for students to verify an absence to visit a driver's license office and, at FEB, a chart listing acceptable documentation for absences, including for learner permits and driver's licenses.

Various references about providing verification of the absences addressed in the policy have been consolidated into a single statement.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to this policy topic.

FEC(LEGAL) ATTENDANCE: ATTENDANCE FOR CREDIT

HB 699 prohibits a district from considering excused absences resulting from a serious or life-threatening illness or related treatment in determining whether a student has satisfied attendance requirements for a final grade or credit.

FEC(LOCAL) ATTENDANCE: ATTENDANCE FOR CREDIT

Numerous revisions are recommended to this local policy on attendance for credit.

- As reflected in the revision at Absences Considered, in calculating whether a student has met the 90 percent attendance requirement, HB 699 creates an exception for absences resulting from a serious or life-threatening illness or related treatment. The *Regulations Resource Manual* includes sample letters to notify parents of student absences, which have been updated to reflect this exception.
- Administrative details on documentation of student illnesses have been included in the *Model Student Handbook* and are recommended for deletion.
- Provisions on the attendance committee's consideration of the best interest of the student, extenuating circumstances, and conditions for awarding credit or a final grade have been revised and reordered to emphasize a student's mastery of the essential knowledge and skills and maintaining a passing grade rather than assigning a student to attend programs for an amount of time equivalent to the student's absences.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to this policy topic.

FED(LEGAL) ATTENDANCE: ATTENDANCE ENFORCEMENT

HB 699 prohibits a district from referring a student to truancy court and requires a district to provide counseling to a student who is absent due to a severe or life-threatening illness or related treatment.

The sample Truancy Prevention Measures Checklist in the *Regulations Resource Manual* has been updated to reflect this change.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

SB 1267 requires that training on unassigned epinephrine auto-injectors be in accordance with the district's professional development policy, which must be adopted by August 1, 2022, following publication of

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the SBEC clearinghouse on continuing education and training requirements. See DMA(LEGAL) above for information.

SB 6 addresses immunity of certain medical professionals for injury or death caused by care, treatment, or failure to provide care or treatment relating to a pandemic disease.

FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

HB 3597 provides flexibility regarding the requirement for a district's threat assessment team to include a variety of members with extensive expertise and now requires the superintendent to ensure, *to the greatest extent practicable*, that the members have the required expertise.

FFBA(LEGAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE

SB 1267 requires that training on trauma-informed care be in accordance with the district's professional development policy, which must be adopted by August 1, 2022, following publication of the SBEC clearinghouse on continuing education and training requirements. See DMA(LEGAL) above for information.

The bill also repeals the requirement to report on training compliance to TEA.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

As required by SB 279, student identification cards must include the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line and may include a local suicide prevention hotline, if available.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

HB 3379 changes the standard of reporting child abuse and neglect from "cause to believe" to "*reasonable* cause to believe."

In addition, we have reordered provisions to better align with the structure of FFG(LOCAL) and have added an existing definition for completeness.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Recommended revisions to this local policy incorporate HB 3379 changes to the standard of reporting child abuse and neglect from "cause to believe" to "*reasonable* cause to believe."

A reference to the definition of a person responsible for the care, custody, or welfare of a child has been added for clarification.

We have also clarified that training will be as required by law and district policy in anticipation of the new district professional development policy that must be in place by August 2022. See DMA above for more information.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Dating violence training is now only required on campuses that instruct students in grade six or higher in accordance with SB 1267.

An adjustment to the Note on Title IX explains that the Office for Civil Rights (OCR) has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

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FFI(LEGAL) STUDENT WELFARE: FREEDOM FROM BULLYING

In accordance with SB 2050, district bullying policies must address prevention and mediation of bullying incidents and comply with minimum standards adopted by TEA. Policy Service will recommend local policy revisions following publication of the TEA minimum standards.

FL(LEGAL) STUDENT RECORDS

Changes in federal law prompted revisions regarding access to student information by military recruiters, who may have access to a student's district-provided email address unless a parent has advised the district not to release this information.

FL(LOCAL) STUDENT RECORDS

At Types of Education Records, we have replaced an outdated reference to the "grade placement committee" with a reference to the "accelerated learning committee" in accordance with HB 4545.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to this policy topic.

FM(LEGAL) STUDENT ACTIVITIES

The requirement for the UIL to provide training to extracurricular students in recognizing the symptoms of catastrophic injuries and the risks of using dietary supplements has been removed by SB 1267.

HB 1080 provides that a district may not exclude a student from participating in a UIL activity solely because the student receives outpatient mental health services from a mental health facility or is absent for this purpose.

A district may permit homeschool students to represent the school in UIL activities as provided by HB 547. **If your district will permit homeschool students to participate in UIL activities and you currently have a provision in FD(LOCAL) prohibiting nonenrolled students from participating in curricular or extracurricular activities, please contact your policy consultant for an adjustment to that policy.**

HB 2721 prohibits a student from participating in any future extracurricular activity sponsored by the district or the UIL if the UIL determines that the student caused bodily injury to an extracurricular official in retaliation for the official's performance of duties.

Other provisions have been reordered for better flow.

FNCD(LEGAL) STUDENT CONDUCT: TOBACCO USE AND POSSESSION

SB 248 amends the definition of "e-cigarette" to include the liquid solution or other material used in the device.

FNCG(LEGAL) STUDENT CONDUCT: WEAPONS

HB 1927 prompted revisions regarding the Penal Code offense of unlawful carrying of weapons and a reference to the appropriate legal source for handgun offenses.

HB 957 removes firearm silencer from the list of prohibited weapons in Texas Penal Code 46.05.

FNG(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

SB 348 clarifies that a parent is entitled to review teaching and instructional materials while a child is participating in virtual or remote learning and to observe virtual instruction.

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FOC(LEGAL) STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FOD(LEGAL) STUDENT DISCIPLINE: EXPULSION

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

When a district takes disciplinary action that constitutes a change of placement for a student who receives special education services, HB 785 requires the district to take certain actions relating to functional behavior assessments and behavioral intervention plans.

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

The name of an employee accused of an improper relationship between an educator and student is confidential until the employee is indicted for the offense, except as specified by HB 246. The *Regulations Resource Manual* includes sample procedures to address release of this information by a campus.

Provisions on the release of personal information have been revised for:

- Board members (HB 1082); and
- Current or honorably retired peace officers and commissioned security officers (SB 841).

Confidentiality of crime victim information has been revised based on HB 2357.

The sample election of confidentiality forms in the *Regulations Resource Manual* have been updated to reflect these changes.

GBAA(LEGAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION

Changes to this policy on requests for information are from SB 1225.

- If a district's physical offices are closed, but staff is working remotely, the district must make a good faith effort to continue responding to Public Information Act (PIA) requests for information.
- Provisions on temporary suspension of the PIA due to a catastrophe apply only when a district is *significantly* impacted and limit extensions of a suspension to only once per catastrophe.

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

HB 1927 revises the Penal Code's list of places where the possession of weapons is prohibited.

Changes in federal law prompted revisions regarding the use of unmanned aircraft systems.

GKD(LEGAL) COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES

HB 525 protects religious organizations from closure by a governmental entity during a disaster.

HB 1239 amends the Texas Religious Freedom Restoration Act to prohibit a government agency or public official from ordering the closure of a place of worship and clarifies that the Act cannot be suspended by the governor during a disaster.

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GKE(LEGAL) COMMUNITY RELATIONS: BUSINESS, CIVIC, AND YOUTH GROUPS

Districts may not regulate learning pods in accordance with SB 1955.

GNB(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: REGIONAL EDUCATION SERVICE CENTERS

Changes to the provisions on core services provided by education service centers reflect that the gifted and talented allotment was reinstated by HB 1525.

GNC(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Provisions requiring certain districts to develop a plan to increase enrollment in higher education were deleted by SB 1677.

GRB(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

Provisions on entering into intergovernmental support agreements with a branch of the armed forces have been added as a result of SB 780.